Journal of the House

State of Indiana

112th General Assembly *First Regular Session*

Twenty-fourth Meeting Day **Wednesday Afternoon** **February 21, 2001**

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Dr. James Hicks, First Church of the Nazarene, Bloomington, the guest of Representative Peggy Welch.

The Pledge of Allegiance to the Flag was led by Gail Pluta, former lobbyist for the American Federation of Teachers in Indiana.

The Speaker ordered the roll of the House to be called:

T. Adams
Aguilera
Alderman
Atterholt
Avery
Ayres
Bardon
Bauer
Becker
Behning
Bischoff
Bodiker
Bosma
Bottorff
C. Brown
T. Brown
Buck
Budak
Buell
Burton
Cheney
Cherry
Cochran
Cook
Crawford
Crooks
Crosby
Day
Denbo
Dickinson
Dillon
Dobis
Dumezich
Duncan
Dvorak
Espich
Foley
Frenz
Friend
Frizzell
Fry
GiaQuinta
Goeglein
Goodin
Grubb
Harris
Hasler
Herndon
Herrell
Hinkle
Hoffman
Kersey
Klinker
Kromkowski
Kruse
Kruzan
Kuzman
Lawson
Leuck
Liggett
J. Lutz
Lytle
Mahern
Mangus
Mannweiler
McClain
Mellinger
Mock
Moses
Munson
Murphy
Oxley
Pelath
Pond
Porter
Richardson
Ripley
Robertson
Ruppel
Saunders
Scholer
M. Smith
V. Smith
Steele
Stevenson
Stilwell
Sturtz
Summers
Thompson
Tincher
Torr
Turner
Ulmer
Weinzapfel
Welch
Whetstone
Wolkins
D. Young
Yount
Mr. Speaker

Roll Call 180: 100 present. The Speaker announced a quorum in attendance. [*NOTE*: • *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 30, 33, 34, 35, 36, and 37 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

The House recessed for the remarks of Congressman Brian Kerns.

RECESS

The House reconvened with the Speaker in the Chair.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 36

Representatives Mellinger, Tincher, Scholer, and Steele introduced House Concurrent Resolution 36:

A CONCURRENT RESOLUTION recognizing Project Hoosier SAFE-T.

Whereas, Protecting Hoosier lives and or property represent the paramount initiatives of public safety agencies statewide;

Whereas, Many existing public safety communications systems lack the capacity for interagency connectivity, and thus, prevent the utmost efficiency and effectiveness in response to crimes or emergency situations;

Whereas, Through voluntary combined efforts, public safety agencies within Indiana, including law enforcement, fire departments, and emergency medical services, can offer the fully deserved optimum services possible to Hoosiers;

Whereas, Life-saving pursuits can be vastly improved by utilizing accessible technological resources in constructing a statewide, integrated voice and data radio communications system;

Whereas, Indiana stands at the forefront of establishing a model for public safety, unprecedented in regards to the comprehensive and encompassing design of Hoosier Project SAFE-T;

Whereas, Project Hoosier SAFE-T provides significant benefits to Indiana by ensuring quicker and more efficient responses to emergencies, reducing the incidents of crime, and improving upon the overall safety of communities; and

Whereas, Project Hoosier SAFE-T will save money and lives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That Project Hoosier SAFE-T be recognized today, February 21, 2001.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Kenley and Lanane.

House Concurrent Resolution 37

Representatives Dumezich, Stevenson, L. Lawson, Harris,

Aguilera, V. Smith, and C. Brown introduced House Concurrent Resolution 37:

A CONCURRENT RESOLUTION honoring Reverend Jack Hyles, Pastor of First Baptist Church of Hammond, Indiana.

Whereas, Reverend Hyles was the pastor of First Baptist Church of Hammond, Indiana for 41 years;

Whereas, Reverend Hyles was the founder of Hyles-Anderson College;

Whereas, Jack Hyles was born in Italy, Texas and having grown up in a poverty-stricken area of Dallas, he graduated from Eastern Texas Baptist College and attended Southwest Baptist Seminary;

Whereas, Before moving to Hammond in 1959, Reverend Hyles pastored the Miller Road Baptist Church in Garland, Texas helping that church grow from a membership of 44 people to 4,000;

Whereas, Reverend Hyles' sermons were so popular that by May 1965, they were published in a book entitled "Kisses of Calvary";

Whereas, In the book "Kisses of Calvary", Reverend Hyles' mother gives the introduction honoring her son saying that "The Jack she saw grow from boyhood to manhood, was a person who gave Christ first place in his life…and always had a great love and burden for lost souls."

Whereas, Reverend Hyles' ministry sent buses across Northwest Indiana and the low-income areas of Chicago to a Sunday School that according to a national Christian Life Magazine in the 1970s was one of the largest Sunday Schools in the nation and possibly the world;

Whereas, Several thousand pastors looked to Reverend Hyles as a mentor and as a result sent students to the Hyles-Anderson College;

Whereas, Reverend Hyles helped in stabilizing downtown Hammond putting buildings to new uses by setting up various outreach ministries to Spanish-speaking people and the homeless;

Whereas, According to the economic development director for the city of Hammond and First Baptist Church member, Phil Merhalski, Reverend Hyles "…believed in people and saw things (in individuals) other people didn't. He was a caring, loving man."

Whereas, Reverend Hyles was an influence in the worldwide, fundamental movement over the last 45 years; and

Whereas, 15,000 to 20,000 people now attend services every Sunday at First Baptist Church: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The Indiana General Assembly honors Reverend Jack Hyles, pastor of First Baptist Church, Hammond, Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the First Baptist Church of Hammond, Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Landske.

House Resolution 21

Representative Mannweiler introduced House Resolution 21:

A RESOLUTION honoring Arlene Lowe.

Whereas, Arlene Lowe will be 85 years young on February 25, 2001;

Whereas, Arlene, born on February 25, 1916, has been a life long resident of Union City, Indiana;

Whereas, Arlene is active in many organizations, including the Order of the Eastern Star, which recently awarded her an anniversary Gold Pin for 50 years of membership, and the Daughters of the American Revolution;

Whereas, Arlene belongs to many clubs, among them the 20th Century Club, in which she has been a member for 25 years, the Cecilian Club, in which she is a 60 year member and past president, and the State Federation of Music Clubs, in which she is a 50 year member and was recently awarded the State Golden Award for 50 years in Christian music;

Whereas, Arlene was the charter president of the Zeta Chapter of Alpha Delta Omega sorority in 1940 and 60 years later is again serving as chapter president;

Whereas, While serving as national vice president and national president of the sorority chapter, three new chapters, Fort Wayne, Dayton, and Van Wert, were founded;

Whereas, Arlene has been a faithful member of the Wesley United Methodist Church for 62 years, has sung in the church choir for 50 years, and still plays the piano during services;

Whereas, Arlene shares her life experiences with the members of the Wesley United Methodist Church in articles prepared for a monthly publication entitled "Ponderingly";

Whereas, Arlene Lowe has been a licensed beautician for 65 years and still operates her own beauty salon; and

Whereas, Arlene Lowe has been a vital, contributing part of her community for nearly 85 years: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognizes all the accomplishments of Arlene Lowe and to thank her for the countless hours she has freely given to her family, friends, and community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Arlene Lowe and her son, John.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 30

The Speaker handed down Senate Concurrent Resolution 30, sponsored by Representative Bodiker:

A CONCURRENT RESOLUTION honoring Max Smith for his sixteen years of dedicated community service as a Wayne County Commissioner.

Whereas, From 1984 to 2000, Max Smith diligently served in an essential public capacity as the Wayne County Commissioner, serving 11 years as president;

Whereas, Through his leadership and the hiring of key support personnel, the Wayne County Commissioner's office spearheaded several important projects, including unifying the county's 911 dispatch center service, computerizing and networking county offices, and developing a county personnel department;

Whereas, Max also focused his attention on prolific economic development for Wayne County, in part through the development of the Midwest and Indiana Gateway industrial parks;

Whereas, Max has been greatly respected and admired, not only by his colleagues, but also by his political adversaries; and

Whereas, In recognition of his significant community service, Max was honored in 1993 as the Richmond-Wayne County Chamber of Commerce Citizen of the Year, and in December, 2000, he received the Sagamore of the Wabash award, the State's highest civilian honor. Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly does recognize and hereby honors Max Smith for his many years of dedicated service as a Wayne County Commissioner.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Max Smith.

The resolution was read a first time and adopted by voice vote.

The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 34

The Speaker handed down Senate Concurrent Resolution 34, sponsored by Representatives Fry, Dvorak, and Mangus:

A CONCURRENT RESOLUTION congratulating the Penn High School broadcast journalism class on their first place finish in the Indiana High School Press Association Harvey Competition.

Whereas, The members of the Penn High School broadcast journalism class devote much time and energy to produce the school's video newscast, Penn News Network;

Whereas, The broadcast journalism class provides students with an excellent hands-on learning experience and the opportunity to develop skills that will benefit them in their future endeavors;

Whereas, The Indiana High School Press Association sponsors an annual competition for broadcast journalism. Approximately thirty high schools from around the state compete for the Harvey Award by submitting a broadcast production tape for evaluation and critique; and

Whereas, The Penn broadcast journalism class participated in the 2000 Harvey Competition and was awarded first place for its production: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the hard work and dedication displayed by the members of the Penn High School broadcast journalism class and congratulates the students on their first place finish in the Indiana High School Press Association's Harvey Competition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to each member of the broadcast journalism class; the faculty advisor, Jennifer Jermano; and the principal of Penn High School, Patrick Weil.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 35

The Speaker handed down Senate Concurrent Resolution 35, sponsored by Representatives Fry, Dvorak, and Mangus:

A CONCURRENT RESOLUTION congratulating the Penn High School hockey team as 2000 AA State Champions.

Whereas, Through great perseverance and a complete team effort, the Penn High School Kingsmen emerged victorious from a 29-12-2 season as the 2000 AA state hockey champions;

Whereas, On February 27, 2000, the Kingsmen defeated Perry South by a score of 1-0 to claim the State Title, becoming the first eighth seed in the tournament to accomplish this feat;

Whereas, The Kingsmen's title success was preceded by its crowning achievement of winning its first South Bend City hockey championship;

Whereas, The Kingsmen concluded the season in a statement of great strength, finishing 16-2-0 in January and February, and concluding with a 9 game winning streak; and

Whereas, Goalie B.J. Bolka stood out with a 23-2-1 record, five shut-outs, and a .929 save percentage. Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. The Indiana General Assembly congratulates the Penn High School hockey team on its 2000 season accomplishments, most notably the 2000 AA State Hockey Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to former coach, Peter Belanger; current coach, Lavon Oke; Interim Principal Patrick D. Weil; Athletic Director Ben Karasiak; and to the various team members.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 36

The Speaker handed down Senate Concurrent Resolution 36, sponsored by Representatives Dvorak, Fry, Mangus:

A CONCURRENT RESOLUTION congratulating Penn High School on winning the 16th annual Hoosier Academic Spell Bowl held in Indianapolis on November 11, 2000.

Whereas, In preparation for competition, the team practiced diligently 4 days a week for 2 months;

Whereas, Of the 30 high schools competing in the Hoosier State Spell Bowl, Penn High School, the Class 1 defending state champion, was the only school to achieve a perfect score;

Whereas, Upon spelling all 90 words correctly, Penn High School was the only team in the competition to receive a standing ovation; and

Whereas, Academic coach, Peter DeKever, promised that the 18-member team would do everything possible to defend their crown next year: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the people of Indiana warmly congratulate the Penn High School Kingsmen team for winning the Hoosier State Spell Bowl title for the year 2000.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this resolution to Coach Peter DeKever and Principal Patrick Weil.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 37

The Speaker handed down Senate Concurrent Resolution 37, sponsored by Representatives Dvorak, Fry, and Mangus:

A CONCURRENT RESOLUTION congratulating Penn High School for an outstanding performance in the Ameritech Hoosier Academic Super Bowl.

Whereas, On May 6, 2000 in Indianapolis at Pike High School, one hundred forty-four teams competed in the finals of the statewide Ameritech Hoosier Academic Super Bowl;

Whereas, Teams of three to five students took turns for rounds of 25 questions in fine arts, social studies, mathematics, English, science and interdisciplinary rounds;

Whereas, In the Class I social studies division, the Penn High School team correctly answered 23 of the 25 questions and met its goal of having the highest score among the 24 teams competing; and

Whereas, Teams coached by Peter DeKever have won championships four of the last five years: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the People of Indiana sincerely congratulate the Penn High School social studies team for their outstanding academic performance.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this resolution to Coach Peter DeKever and Principal Patrick Weil.

The resolution was read a first time and adopted by voice vote.

The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:35 p.m. with the Speaker Pro Tempore, Representative Dobis, in the Chair.

Representative Espich was excused for the rest of the day.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1058, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **Sec. 1. (a) As used in this SECTION, "council" refers to the environmental quality service council.**

(b) The council shall conduct a comprehensive review of all efforts funded by the state related to recycling, including:

(1) resource recovery;

(2) pollution prevention; and

(3) clean manufacturing.

(c) The council must include in its study under subsection (b) the following:

(1) An inventory of all efforts referred to in subsection (b).

(2) Identification of:

(A) the relationships among those efforts;

(B) the manner in which those efforts work together;

(C) the goals of each of those efforts;

(D) duplications and conflicts among those efforts; and

(E) areas of potential synergy among those efforts through:

(i) communication;

(ii) program consolidation; and

(iii) cooperation.

(3) Assessment of the return on the state's investment in those efforts.

(d) The council shall conduct a comprehensive review of the environmental and state electrical power implications of encouraging Indiana solid waste landfills to use combustible landfill gases to generate electricity.

(e) The council shall submit reports of the council's findings and recommendations relating to the council's reviews under subsections (b) and (d) not later than December 1, 2001, to the legislative council.

(f) This SECTION expires December 31, 2001.

SECTION 2. **An emergency is declared for this act.**

(Reference is to HB 1058 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1228, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1503, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 11, reset in roman "Except as provided in subsection (k),".

Page 3, reset in roman lines 19 through 20.

Page 3, line 21, after "shall" insert "**may**".

Page 3, line 21, reset in roman "be waived by the public agency if the electronic map for which".

Page 3, reset in roman lines 22 through 27.

Page 3, after line 27, begin a new paragraph and insert:

"SECTION 2. IC 6-3.5-1.1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3.5. (a) This section applies only to a county having a population of more than twelve thousand six hundred (12,600) but less than thirteen thousand (13,000).

(b) The county council of a county described in subsection (a) may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to fund the operation and maintenance of a jail and justice center.

(c) Notwithstanding section 2 of this chapter, if the county council adopts an ordinance under subsection (b), the county council may impose the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) on adjusted gross income. However, a county may impose the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) for only ~~four (4)~~ **eight (8)** years. After the county has imposed the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) for ~~four (4)~~ **eight (8)** years, the rate is reduced to one percent (1%). If the county council imposes the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%), the county council may decrease the rate or rescind the tax in the manner provided under this chapter.

(d) If a county imposes the county adjusted gross income tax at a rate of one and three-tenths percent (1.3%) under this section, the revenue derived from a tax rate of three-tenths percent (0.3%) on adjusted gross income:

(1) shall be paid to the county treasurer;

(2) may be used only to pay the costs of operating and maintaining a jail and justice center; and

(3) may not be considered by the state board of tax commissioners under any provision of IC 6-1.1-18.5, including the determination of the county's maximum permissible property tax levy.

(e) Notwithstanding section 3 of this chapter, the county fiscal body may adopt an ordinance under this section before June 1.

SECTION 3. IC 36-2-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) This section does not apply to a county having a consolidated city.

(b) **Except as provided in section 4.5 of this chapter,** the county executive may allow a claim or order the issuance of a county warrant for payment of a claim only at a regular or special meeting of the executive. The county auditor may issue a county warrant for payment of a claim against the county only if the executive or a court orders him to do so. However, this subsection does not apply to the issuance of warrants related to management of the common or congressional school fund.

(c) The county executive may allow a claim if the claim:

(1) complies with IC 5-11-10-1.6; and

(2) is placed on the claim docket by the auditor at least five (5) days before the meeting at which the executive is to consider the claim.

(d) A county auditor or member of a county executive who violates this section commits a Class C infraction.

(e) A county auditor who violates this section is liable on his official bond for twice the amount of the illegally drawn warrant, which may be recovered for the benefit of the county by a taxpayer of the county. A person who brings an action under this subsection shall give security for costs, and the court shall allow him a reasonable sum, including attorney's fees, out of the money recovered as compensation for his trouble and expense in bringing the action. This compensation shall be specified in the court's order.

(f) If, within sixty (60) days after the county executive allows a claim, a taxpayer of the county demands that the executive refund that allowance to the county, and the executive refuses to do so, the taxpayer may bring an action to recover an illegal, unwarranted, or unauthorized allowance for the benefit of the county. A person who brings an action under this subsection shall give security for costs, and the court shall allow him a reasonable sum, including attorney's fees, out of the money recovered as compensation for his trouble and expense in bringing the action. This compensation shall be specified in the court's order.

SECTION 4. IC 36-2-6-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. (a) A county executive may adopt an ordinance allowing money to be disbursed for lawful county purposes under this section.**

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over the allowance of claims, the county auditor may make claim payments in advance of board allowance for the following kinds of expenses if the county executive has adopted an ordinance under subsection (a):

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.

(2) License or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(6) Grants of state funds authorized by statute.

(7) Maintenance or service agreements.

(8) Leases or rental agreements.

(9) Bond or coupon payments.

(10) Payroll.

(11) State or federal taxes.

(12) Expenses that must be paid because of emergency circumstances.

(13) Expenses described in an ordinance.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the county auditor.

(d) The county executive or the county board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.

(e) A payment of expenses under this section must be published in the manner provided under section 3 of this chapter.

SECTION 5. IC 36-4-7-3, AS AMENDED BY P.L.35-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) This section does not apply to compensation paid by a city to members of its police and fire departments.

(b) Subject to the approval of the city legislative body, the city executive shall fix the compensation of each appointive officer, deputy, and other employee of the city. The legislative body may reduce but may not increase any compensation fixed by the executive. Compensation must be fixed under this section before:

(1) ~~August~~ **September** 20 for a third class city; and

(2) September 30 for a second class city;

of each year for the ensuing budget year.

(c) Compensation fixed under this section may not be increased during the budget year for which it is fixed, but may be reduced by the executive.

(d) Notwithstanding subsection (b), the city clerk may, with the approval of the legislative body, fix the salaries of deputies and employees appointed under IC 36-4-11-4.

SECTION 6. IC 6-1.1-5.5-8 IS REPEALED [EFFECTIVE JULY 1, 2001].".

(Reference is to HB 1503 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1513, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 2. IC 22-3-3-13, AS AMENDED BY P.L.235-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) As used in this section, "board" refers to the worker's compensation board created under IC 22-3-1-1.

(b) If an employee who from any cause, had lost, or lost the use of, one (1) hand, one (1) arm, one (1) foot, one (1) leg, or one (1) eye, and in a subsequent industrial accident becomes permanently and totally impaired by reason of the loss, or loss of use of, another such member or eye, the employer shall be liable only for the compensation payable for such second injury. However, in addition to such compensation and after the completion of the payment therefor, the employee shall be paid the remainder of the compensation that would be due for such total permanent impairment out of a special fund known as the second injury fund, and created in the manner described in subsection (c).

(c) Whenever the board determines under the procedures set forth in subsection (d) that an assessment is necessary to ensure that fund beneficiaries, including applicants under section 4(e) of this chapter, continue to receive compensation in a timely manner for a reasonable prospective period, the board shall send notice not later than October 1 in any year to:

(1) all insurance carriers and other entities insuring or providing coverage to employers who are or may be liable under this article to pay compensation for personal injuries to or the death of their employees under this article; and

(2) each employer carrying the employer's own risk;

stating that an assessment is necessary. After June 30, 1999, the board may conduct an assessment under this subsection not more than one (1) time annually. Every insurance carrier and other entity insuring or providing coverage to employers who are or may be liable under this article to pay compensation for personal injuries to or death of their employees under this article and every employer carrying the employer's own risk, shall, within thirty (30) days of the board sending notice under this subsection, pay to the worker's compensation board for the benefit of the fund, an assessed amount that may not exceed one and one-half percent (1.5%) of the total amount of all worker's compensation paid to injured employees or their beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar year next preceding the due date of such payment. For the purposes of calculating the assessment under this subsection, the board may consider payments for temporary total disability, temporary partial disability, permanent total impairment, permanent partial impairment, or death of an employee. The board may not consider payments for medical benefits in calculating an assessment under this subsection. If the amount to the credit of the second injury fund on or before October 1 of any year exceeds one million dollars ($1,000,000), the assessment allowed under this subsection shall not be assessed or collected during the ensuing year. But when on or before October 1 of any year the amount to the credit of the fund is less than one million dollars ($1,000,000), the payments of not more than one and one-half percent (1.5%) of the total amount of all worker's

compensation paid to injured employees or their beneficiaries under IC 22-3-2 through IC 22-3-6 for the calendar year next preceding that date shall be resumed and paid into the fund. **All entities liable for and paying an assessment under this subsection shall be entitled to a credit against the assessment for the payments made the same year on which the assessment was based. Such payments shall have been made to an employee injured prior to January 1, 2002, who sustained a later period of disability entitling the employee to an increase in the average weekly wage, as set forth in IC 22-3-3-8. Any credit due shall be computed by the following formula:**

STEP ONE: Determine the amount of compensation the employee actually received based on the average weekly wage as of the last day worked prior to the later period of disability.

STEP TWO: Determine the amount of compensation the employee would have received based on the average weekly wage at the time of the original compensable injury.

STEP THREE: Determine the greater of zero (0) or the result of:

(1) The STEP ONE amount; minus

(2) The STEP TWO amount.

(d) The board shall enter into a contract with an actuary or another qualified firm that has experience in calculating worker's compensation liabilities. Not later than September 1 of each year, the actuary or other qualified firm shall calculate the recommended funding level of the fund based on the previous year's claims and inform the board of the results of the calculation. If the amount to the credit of the fund is less than the amount required under subsection (c), the board may conduct an assessment under subsection (c). The board shall pay the costs of the contract under this subsection with money in the fund.

(e) An assessment collected under subsection (c) on an employer who is not self-insured must be assessed through a surcharge based on the employer's premium. An assessment collected under subsection (c) does not constitute an element of loss, but for the purpose of collection shall be treated as a separate cost imposed upon insured employers. A premium surcharge under this subsection must be collected at the same time and in the same manner in which the premium for coverage is collected, and must be shown as a separate amount on a premium statement. A premium surcharge under this subsection must be excluded from the definition of premium for all purposes, including the computation of agent commissions or premium taxes. However, an insurer may cancel a worker's compensation policy for nonpayment of the premium surcharge. A cancellation under this subsection must be carried out under the statutes applicable to the nonpayment of premiums.

(f) The sums shall be paid by the board to the treasurer of state, to be deposited in a special account known as the second injury fund. The funds are not a part of the general fund of the state. Any balance remaining in the account at the end of any fiscal year shall not revert to the general fund. The funds shall be used only for the payment of awards of compensation and expense of medical examinations or treatment made and ordered by the board and chargeable against the fund pursuant to this section, and shall be paid for that purpose by the treasurer of state upon award or order of the board.

(g) If an employee who is entitled to compensation under IC 22-3-2 through IC 22-3-6 either:

(1) exhausts the maximum benefits under section 22 of this chapter without having received the full amount of award granted to the employee under section 10 of this chapter; or

(2) exhausts the employee's benefits under section 10 of this chapter;

then such employee may apply to the board, who may award the employee compensation from the second injury fund established by this section, as follows under subsection (h).

(h) An employee who has exhausted the employee's maximum benefits under section 10 of this chapter may be awarded additional compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage at the time of the employee's injury, not to exceed the maximum then applicable under section 22 of this chapter, for a period of not to exceed one hundred fifty (150) weeks upon competent evidence sufficient to establish:

(1) that the employee is totally and permanently disabled from causes and conditions of which there are or have been objective conditions and symptoms proven that are not within the physical or mental control of the employee; and

(2) that the employee is unable to support the employee in any gainful employment, not associated with rehabilitative or vocational therapy.

(i) The additional award may be renewed during the employee's total and permanent disability after appropriate hearings by the board for successive periods not to exceed one hundred fifty (150) weeks each. The provisions of this section apply only to injuries occurring subsequent to April 1, 1950, for which awards have been or are in the future made by the board under section 10 of this chapter. Section 16 of this chapter does not apply to compensation awarded from the second injury fund under this section.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1513 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1783, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, after line 42, begin a new paragraph and insert:

"SECTION 6. IC 22-4-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. "Employer" also means:

(a) Any employing unit whether or not an employing unit at the time of the acquisition which acquires the organization, trade, or business within this state of another which at the time of such acquisition is an employer subject to this article, and any employing unit whether or not an employing unit at the time of the acquisition which acquires substantially all the assets within this state of such an employer used in or in connection with the operation of such trade or business, if the acquisition of substantially all such assets of such trade or business results in or is used in the operation or continuance of an organization, trade, or business.

(b) Any employing unit (whether or not an employing unit at the time of acquisition) which acquires a distinct and segregable portion of the organization, trade, or business within this state of another employing unit which at the time of such acquisition is an employer subject to this article only if the employment experience of the disposing employing unit combined with the employment of its predecessor or predecessors would have qualified such employing unit under IC ~~22-4-7-1~~ **section 1 of this chapter** if the portion acquired had constituted its entire organization, trade, or business and the acquisition results in the operation or continuance of an organization, trade, or business.

(c) Any employing unit which, having become an employer under IC ~~22-4-7-1~~, ~~22-4-7-2(a)~~, ~~22-4-7-2(b)~~, ~~22-4-7-2(d)~~, ~~22-4-7-2(f)~~, ~~or 22-4-7-2(h)~~, **section 1, 2(a), 2(b), 2(d), 2(f), or 2(h) of this chapter,** has not ceased to be an employer by compliance with the provisions of IC 22-4-9-2 and IC 22-4-9-3.

(d) For the effective period of its election pursuant to IC 22-4-9-4 or 22-4-9-5, any other employing unit which has elected to become fully subject to this article;

(e) Any employing unit for which service in employment as defined in IC 22-4-8-2(l) is performed. In determining whether an employing unit for which service other than agricultural labor is also performed is an employer under sections 1 or 2 of this chapter, the wages earned or the employment of an employee performing service in agricultural labor after December 31, 1977, may not be taken into account. If an employing unit is determined an employer of agricultural labor, the employing unit shall be determined an employer for the purposes of section 1 of this chapter.

(f) Any employing unit not an employer by reason of any other paragraph of IC ~~22-4-7-2(a) through 22-4-7-2(e)~~ **section 2(a) through**

2(e) of this chapter inclusive, for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; or which, as a condition for approval of this article for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an "employer" under this article; however, an employing unit subject to contribution solely because of the terms of this subsection may file a written application to cover and insure his employees under the unemployment compensation law of another jurisdiction. Upon approval of such application by the board, the employing unit shall not be deemed to be an employer and such service shall not be deemed employment under this article.

(g) Any employing unit for which service in employment, as defined in IC 22-4-8-2(i) is performed after December 31, 1971 and subsequent to December 31, 1977, any employing unit for which service in employment is performed, as defined in IC 22-4-8-2(i)(1).

(h) Any employing unit for which service in employment, as defined in IC 22-4-8-2(j) is performed after December 31, 1971.

(i) Any employing unit for which service in employment as defined in IC 22-4-8-2(m) is performed. In determining whether an employing unit for which service other than domestic service is also performed is an employer under sections 1 or 2 of this chapter, the wages earned or the employment of an employee performing domestic service after December 31, 1977, may not be taken into account.

(j) For purposes of entitlement to family and medical leave unemployment compensation, as set forth in IC 22-4-12-1(2), the term includes an employing unit engaged in commerce or in any industry or activity affecting commerce who employs fifty (50) or more employees for each working day during each of twenty (20) or more calendar workweeks in the current or preceding year. ".

Renumber all SECTIONS consecutively.

(Reference is to HB 1783 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1792, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-4.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) A carrier may, in lieu of paying the tax imposed under this chapter that would otherwise result from the operation of a particular commercial motor vehicle, obtain from the department a trip permit authorizing the carrier to operate the commercial motor vehicle for a period of five (5) consecutive days. The department shall specify the beginning and ending days on the face of the permit. The fee for a trip permit for each commercial motor vehicle is fifty dollars ($50). The report otherwise required under section 10 of this chapter is not required with respect to a vehicle for which a trip permit has been issued under this subsection.

(b) The department may issue a temporary written authorization if unforeseen or uncertain circumstances require operations by a carrier of a commercial motor vehicle for which neither a trip permit described in subsection (a) nor an annual permit described in section 12 of this chapter has been obtained. A temporary authorization may be issued only if the department finds that undue hardship would result if operation under a temporary authorization were prohibited. A carrier who receives a temporary authorization shall:

(1) pay the trip permit fee at the time the temporary authorization is issued; or

(2) subsequently apply for and obtain an annual permit.

(c) A carrier may obtain ~~a~~ **an International Fuel Tax Agreement (IFTA)** repair and maintenance permit to:

(1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and

(2) return to the same state after the repair or maintenance is completed.

~~The fee for the permit is forty dollars ($40). The permit is an annual permit and applies to all of the motor vehicles operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the permit. A carrier may operate a motor vehicle under the permit in lieu of paying the tax imposed under this chapter.~~ **The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying the quarterly motor fuel tax imposed under this chapter, a carrier may pay an annual IFTA repair and maintenance fee of forty dollars ($40) and receive an IFTA annual repair and maintenance permit. The IFTA annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IFTA annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IFTA annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23).** The report otherwise required under section 10 of this chapter is not required with respect to a motor vehicle that is operated under ~~the~~ **an IFTA annual repair and maintenance** permit.

(d) **A carrier may obtain an International Registration Plan (IRP) repair and maintenance permit to:**

(1) travel from another state into Indiana to repair or maintain any of the carrier's motor vehicles, semitrailers (as defined in IC 9-13-2-164), or trailers (as defined in IC 9-13-2-184); and

(2) return to the same state after the repair or maintenance is completed.

The permit allows the travel described in this section. In addition to any other fee established in this chapter, and instead of paying apportioned or temporary IRP fees under IC 9-18-2 or IC 9-18-7, a carrier may pay an annual IRP repair and maintenance fee of forty dollars ($40) and receive an IRP annual repair and maintenance permit. The IRP annual repair and maintenance permit and fee applies to all of the motor vehicles operated by a carrier. The IRP annual repair and maintenance permit is not transferable to another carrier. A carrier may not carry cargo or passengers under the IRP annual repair and maintenance permit. All fees collected under this subsection shall be deposited in the motor carrier regulation fund (IC 8-2.1-23).

(e) A carrier may obtain a repair, maintenance, and relocation permit to:

(1) move a yard tractor from a terminal or loading or spotting facility to:

(A) a maintenance or repair facility; or

(B) another terminal or loading or spotting facility; and

(2) return the yard tractor to its place of origin.

The fee for the permit is forty dollars ($40). The permit is an annual permit and applies to all yard tractors operated by the carrier. The permit is not transferable to another carrier. A carrier may not carry cargo or transport or draw a semitrailer or other vehicle under the permit. A carrier may operate a yard tractor under the permit instead of paying the tax imposed under this chapter. A yard tractor that is being operated on a public highway under this subsection must display a license plate issued under IC 9-18-32. As used in this section, "yard tractor" has the meaning set forth under IC 9-13-2-201.

~~(e)~~ **(f)** The department shall establish procedures, by rules adopted under IC 4-22-2, for:

(1) the issuance and use of trip permits, temporary authorizations, and repair and maintenance permits; and

(2) the display in commercial motor vehicles of evidence of compliance with this chapter.".

Page 1, line 3, delete ""Commercial" and insert "**(a) Except as provided in subsection (b), "commercial**".

Page 1, line 4, delete "9-18-2, has the meaning set forth in IC 9-18-2-0.5." and insert "**9-18-2-4.5, means a motor vehicle or combination of motor vehicles used in commerce to transport property if the motor vehicle:**

(1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds; or

(2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds.

(b) The bureau of motor vehicles may, by rule, broaden the definition of commercial motor vehicle under subsection (a) to include lighter vehicles for purposes of IC 9-18-2-4.5.".

Page 1, delete lines 5 through 8, begin a new paragraph and insert:

"SECTION 3. IC 9-13-2-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 201. "Yard tractor" refers to a tractor that is used to move semitrailers around a terminal or a loading or spotting facility. The term also refers to a tractor that is operated on a highway with a permit issued under ~~IC 6-6-4.1-13(d)~~ **IC 6-6-4.1-13(e)** if the tractor is ordinarily used to move semitrailers around a terminal or spotting facility.".

Page 1, line 13, delete "permanent".

Page 1, line 14, after "each" insert "**commercial**".

Page 1, line 14, delete "one" and insert "**twenty-five (25)**".

Page 1, line 15, delete "hundred (100)".

Page 1, line 15, delete "permanent".

Page 1, line 15, after "plate" insert "**issued under this section**".

Page 1, line 16, after "for" delete "the" and insert "**a**".

Page 1, line 16, delete "may contain the words "no expiration " and insert "**is valid for five (5) years.**".

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 2, delete "one hundred (100)" and insert "**twenty-five (25)**".

Page 2, line 5, delete "permanent".

Page 2, line 7, delete "permanent".

Page 2, line 29, delete "33" and insert "**4.5 or 18**".

Page 3, line 1, delete "for a vehicle other than a vehicle (other than".

Page 3, delete line 2.

Page 3, line 3, delete "thousand (26,000) pounds, a tractor, or a truck-tractor".

Page 3, line 11, delete "under".

Page 3, line 12, delete "subsection (b)".

Page 3, line 17, after "for a" insert "**commercial**".

Page 3, line 17, delete "(other than a bus) having a".

Page 3, delete line 18.

Page 3, line 19, delete "pounds, a tractor, or a truck-tractor".

Page 3, line 20, delete "may" and insert "**shall**".

Page 3, line 23, delete "or" and insert "**and**".

Page 3, line 24, delete "law enforcement agency that has jurisdiction over the" and insert "**bureau;**".

Page 3, delete line 25.

Page 3, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 7. IC 9-18-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The bureau shall design and manufacture yard tractor repair, maintenance, and relocation permit license plates as needed to administer this chapter.

(b) The license plate designed and manufactured under this section must:

(1) be designed for display on a yard tractor;

(2) be designed to be transferable between yard tractors operated by the carrier; and

(3) designate the yard tractor as a yard tractor permitted to operate on a public highway under ~~IC 6-6-4.1-13(d).~~ **IC 6-6-4.1-13(e).**".

Page 3, delete lines 34 through 42.

Page 4, delete lines 1 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1792 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1821, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1830, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-11-2-133, AS AMENDED BY P.L.138-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 133. (a) "Municipal waste", for purposes of:

(1) IC 13-20-4;

(2) IC 13-20-6;

(3) IC 13-20-21;

(4) IC 13-20-23;

(5) IC 13-22-1 through IC 13-22-8; and

(6) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

~~(1) Industrial waste (as defined in section 109.5 of this chapter).~~

~~(2)~~ **(1)** Hazardous waste regulated under:

(A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or

(B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1990.

~~(3)~~ **(2)** Infectious waste (as defined in IC 16-41-16-4).

~~(4)~~ **(3)** Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.

~~(5)~~ **(4)** Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in ~~subsection (b)(5),~~ **subsection (b)(4),** "reprocessing or reuse" does not include either of the following:

(1) Incineration.

(2) Placement in a landfill.

SECTION 2. IC 13-11-2-193 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 193. "Restricted waste", for purposes of IC 13-20-21, means waste disposed of at a restricted waste site (as defined in ~~329 IAC 2-2-1(b)(46)).~~ **329 IAC 10-2.5-1(b)(57)).**

SECTION 3. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 206. "Solid waste disposal facility", for purposes of **IC 13-19-3-8,** IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

(1) deposited on or beneath the surface of the ground as an intended place of final location; or

(2) incinerated.

SECTION 4. IC 13-11-2-208, AS AMENDED BY P.L.138-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 208. "Solid waste landfill", for purposes of ~~IC 13-20-7.5,~~ IC 13-20-9, **IC 13-20-21-6,** and IC 13-22-9, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

SECTION 5. IC 13-11-2-212 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 212. (a) "Solid waste processing facility", for purposes of **IC 13-19-3-8,** IC 13-20-4, and IC 13-20-6, means a facility at which at least one (1) of the following is located:

(1) A solid waste incinerator.
(2) A transfer station.
(3) A solid waste baler.
(4) A solid waste shredder.
(5) A resource recovery system.
(6) A composting facility.
(7) A garbage grinding system.

(b) The term does not include a facility or operation that generates solid waste.

SECTION 6. IC 13-19-3-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8. The department may modify a permit to prohibit the processing or disposal of specific solid waste at:**

(1) a solid waste disposal facility; or
(2) a solid waste processing facility.

SECTION 7. IC 13-20-1-1, AS AMENDED BY P.L.138-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, or a business association that in its regular business activity:

(1) produces solid ~~or industrial~~ waste as a byproduct of or incidental to its regular business activity; and
(2) disposes of the solid ~~or industrial~~ waste at a site that meets the following conditions that is:
(A) owned by the individual, corporation, partnership, or business association; and
(B) limited to use by that individual, corporation, partnership, or business association for the disposal of solid ~~or industrial~~ waste produced by:
(i) that individual, corporation, partnership, or business association; or
(ii) a subsidiary of an entity referred to in item (i).

SECTION 8. IC 13-20-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9. (a) A generator that ships a solid waste in bulk quantities to a waste-to-energy facility must, before the facility accepts the solid waste, notify the facility if the solid waste meets any of the following criteria:**

(1) The solid waste contains:
(A) a volatile:
(i) liquid; or
(ii) solid;
(B) a powder;
(C) a flammable material;
(D) an allergen; or
(E) a sensitizer.
(2) The solid waste:
(A) was segregated from other solid waste; or
(B) received special preparation for shipment.
(3) The solid waste is a bulk material.
(4) The solid waste is a waste resulting directly from a manufacturing process.

(b) The notification under subsection (a) is required before each shipment by a generator of a solid waste in bulk quantities to a waste-to-energy facility.

SECTION 9. IC 13-20-21-6, AS AMENDED BY P.L.138-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. **(a)** For solid waste, the disposal fees are as follows:

	Fee
~~Municipal~~ **Solid** waste **disposed into a municipal solid waste landfill** per ton	$ 0.10
~~Industrial~~ **Solid** waste **disposed into a nonmunicipal solid waste landfill** per ton	$ 0.10
~~Municipal~~ **Solid** waste disposed ~~of at~~ **into** an incinerator per ton	$ 0.05
~~Construction\ Demolition~~ **Solid** waste **disposed into a construction\demolition waste site** per ton	$ 0.10

(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued.

SECTION 10. [EFFECTIVE JULY 1, 2001] **(a) The solid waste management board shall adopt rules under IC 4-22-2 before July 1, 2003, to reflect the elimination and repeal of:**

(1) references to industrial waste in this act; and
(2) references to special waste in SECTIONS 2, 5, 6, 7, 9, and 11 of P.L.138-2000.

(b) This SECTION expires July 1, 2003.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 13-11-2-109.5; IC 13-20-4-8; IC 13-20-7.5; P.L.138-2000, SECTION 10.

(Reference is to HB 1830 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1842, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-12-1-14.3, AS AMENDED BY P.L.21-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.3. (a) As used in this section, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

(b) There is hereby created the Indiana tobacco master settlement agreement fund for the purpose of depositing and distributing money received under the master settlement agreement. The fund consists of:

(1) all money received by the state under the master settlement agreement;
(2) appropriations made to the fund by the general assembly; and
(3) grants, gifts, and donations intended for deposit in the fund.

(c) Money may be expended, transferred, or distributed from the fund during a state fiscal year only in amounts permitted by subsections (d) through (e), and only if the expenditures, transfers, or distributions are specifically authorized by another statute.

(d) The maximum amount of expenditures, transfers, or distributions that may be made from the fund during the state fiscal year beginning July 1, 2000, is determined under STEP THREE of the following formula:

STEP ONE: Determine the sum of money received or to be received by the state under the master settlement agreement before July 1, 2001.

STEP TWO: Subtract from the STEP ONE sum the amount appropriated by P.L.273-1999, SECTION 8, to the children's health insurance program from funds accruing to the state from the tobacco settlement for the state fiscal years beginning July 1, 1999, and July 1, 2000.

STEP THREE: Multiply the STEP TWO remainder by fifty percent (50%).

(e) The maximum amount of expenditures, transfers, or distributions that may be made from the fund during the state fiscal year beginning July 1, 2001, and each state fiscal year after that is ~~equal to: sixty percent (60%) of~~ **determined under STEP FOUR of the following formula:**

STEP ONE: Determine the amount of money received or to be received by the state under the master settlement agreement during that state fiscal year.

STEP TWO: Subtract from the STEP ONE amount the amount appropriated to the children's health insurance program for that state fiscal year from funds accruing to the state from the tobacco settlement.

STEP THREE: Multiply the STEP TWO remainder by seventy-five percent (75%).

STEP FOUR: Add to the STEP THREE product any amounts that were available for expenditure, transfer, or distribution under this subsection or subsection (d) during preceding state fiscal years but that were not expended, transferred, or distributed.

(f) The following amounts shall be retained in the fund and may not be expended, transferred, or otherwise distributed from the fund:

(1) All of the money that is received by the state under the master settlement agreement and remains in the fund after the expenditures, transfers, or distributions permitted under subsections (c) through (e).

(2) All interest that accrues from investment of money in the fund, unless specifically appropriated by the general assembly. **Interest that is appropriated from the fund by the general assembly shall not be considered in determining the maximum amount of expenditures, transfers, or distributions under subsection (e).**

(g) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the ~~management~~ **investment** of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(h) **Amounts appropriated for the regional health facilities construction account shall be transferred before any other expenditures, transfers, or distributions are made from the fund.**

(i) The state general fund is not liable for payment of a shortfall in expenditures, transfers, or distributions from the Indiana tobacco master settlement agreement fund or any other fund due to a delay, reduction, or cancellation of payments scheduled to be received by the state under the master settlement agreement. If such a shortfall occurs in any state fiscal year, ~~all~~ **the budget agency shall make the full transfer to the regional health facilities construction account and then reduce all remaining** expenditures, transfers, and distributions affected by the shortfall. ~~shall be reduced proportionately.~~

SECTION 2. IC 4-12-4-10, AS ADDED BY P.L.21-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The Indiana tobacco use prevention and cessation trust fund is established. The executive board may expend money from the fund and make grants from the fund to implement the long range state plan established under this chapter. General operating and administrative expenses of the executive board are also payable from the fund.

(b) The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(c) The fund shall be administered by the executive board. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the ~~management~~ **investment** of the fund and may pay the ~~state~~ expenses incurred under those contracts **from the fund.** Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) All income and assets of the executive board deposited in the fund are for the use of the executive board without appropriation.".

Page 5, line 13, strike "committee." and insert "**board.**".

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 11. IC 4-12-6-4, AS ADDED BY P.L.21-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. Subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency, the treasurer of state shall distribute money from the ~~fund~~ **account** to public and private entities to support biomedical technology and basic research initiatives, giving priority to initiatives that address tobacco related illnesses and that leverage matching dollars from federal or private sources.".

Page 9, after line 7, begin a new paragraph and insert:

"SECTION 21. IC 4-12-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.5. Regional Health Care Construction Account

Sec. 1. As used in this chapter, "account" refers to the regional health care construction account established within the Indiana tobacco master settlement agreement fund by section 3 of this chapter.

Sec. 2. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

Sec. 3. (a) The regional health care construction account is established for the purpose of providing funding for state psychiatric hospitals and developmental centers, regional health centers, or other health facilities designed to provide crisis treatment, rehabilitation, or intervention for adults or children with mental illness, developmental disabilities, addictions, or other medical or rehabilitative needs. The account consists of:

(1) amounts, if any, that any statute requires to be distributed to the account from the Indiana tobacco master settlement fund;

(2) appropriations to the account from other sources; and

(3) grants, gifts, and donations intended for deposit in the account.

(b) Beginning January 1, 2001, fourteen million dollars ($14,000,000) shall be transferred during each calendar year from the Indiana tobacco master settlement fund to the account.

(c) The account shall be administered by the budget agency. Money in the account at the end of the state fiscal year does not revert to the general fund and remains available for expenditure.

(d) Money in the account may be used for:

(1) the construction, equipping, renovation, demolition, refurbishing, or alteration of existing or new state hospitals, regional health centers, other health facilities; or

(2) lease rentals to the state office building commission or other public or private providers of such facilities.

(e) Money in the account shall be used to pay any outstanding lease rentals before making any other payments from the account.

(f) Money in this account is annually appropriated for the purposes described in this chapter.

SECTION 22. IC 4-12-9-2, AS ADDED BY P.L.21-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The tobacco farmers and rural community impact fund is established. The fund shall be administered by the commissioner of agriculture and the department of commerce. The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of the state fiscal year does not revert to the state general fund **and remains available for expenditure.**

SECTION 23. IC 4-13.5-1-1, AS AMENDED BY P.L.273-1999, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this article:

"Commission" refers to the state office building commission.

"Construction" means the erection, renovation, refurbishing, or alteration of all or any part of buildings, improvements, or other structures, including installation of fixtures or equipment, landscaping of grounds, site work, and providing for other ancillary facilities pertinent to the buildings or structures.

"Correctional facility" means a building, a structure, or an improvement for the custody, care, confinement, or treatment of committed persons under IC 11.

"Department" refers to the Indiana department of administration.

"Mental health facility" means a building, a structure, or an improvement for the care, maintenance, or treatment of persons with mental or addictive disorders.

"Facility" means all or any part of one (1) or more buildings, structures, or improvements (whether new or existing), or parking areas (whether surface or an above or below ground parking garage or garages), owned or leased by the commission or the state for the purpose of:

(1) housing the personnel or activities of state agencies or branches of state government;

(2) providing transportation or parking for state employees or persons having business with state government;

(3) providing a correctional facility; ~~or~~

(4) providing a mental health facility; **or**

(5) providing a regional health facility.

"Person" means an individual, a partnership, a corporation, a limited liability company, an unincorporated association, or a governmental entity.

"Regional health facility" means a building, a structure, or an improvement for the care, maintenance, or treatment of adults or children with mental illness, developmental disabilities, addictions, or other medical or rehabilitative needs.

"State agency" means an authority, a board, a commission, a committee, a department, a division, or other instrumentality of state government but does not include a state educational institution (as defined in IC 20-12-0.5-1).

SECTION 24. IC 4-30-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. Holders of lottery tickets are entitled to claim prizes for one hundred eighty (180) days after the drawing or at the end of the lottery game play in which the prize was won. However, with respect to a game in which the player may determine instantly if the player has won or lost, the right to claim prizes exists for sixty (60) days after the end of the lottery game:

(1) stated on the tickets for the lottery game; or

(2) announced in a notice from the commission to all retailers, if no ending date for the lottery game is stated on the tickets for the lottery game.

If a valid claim is not made for a prize within the applicable period, the prize is considered an unclaimed prize for purposes of section 9 of this chapter.

SECTION 25. IC 4-30-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. **Before the last business day of each month, the commission shall transfer** all unclaimed prize money ~~shall be added to the pool from which future prizes are to be awarded or used for special prize promotions.~~ **to the treasurer of state for deposit in the Indiana prescription drug account established under IC 4-12-8.**

SECTION 26. IC 12-10-16-1, AS ADDED BY P.L.21-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. ~~"Fund"~~ **"Account"** refers to the Indiana prescription drug ~~fund~~ **account** established under IC 4-12-8.

SECTION 27. IC 12-10-16-6, AS ADDED BY P.L.21-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. The administrative expenses and benefit costs of the program shall be paid from the ~~fund.~~ **account.**

SECTION 28. P.L.21-2000, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 12. (a) All money remaining in the tobacco settlement fund on June 30, 2000, shall be transferred to the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, on July 1, 2000.

(b) Notwithstanding P.L.273-1999 or IC 4-12-1-14.3, as amended by this act, the appropriations made by P.L.273-1999, SECTION 8, for the state fiscal year beginning July 1, 2000, for CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) ASSISTANCE and CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) ADMINISTRATION:

(1) are payable from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act; and

(2) are not subject to the limitation on expenditures from the fund under IC 4-12-1-14.3(d), as amended by this act.

(c) The following amounts are appropriated from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, for the period beginning July 1, 2000, and ending June 30, 2001:

(1) Thirty-five million dollars ($35,000,000) to be transferred to the Indiana tobacco use prevention and cessation fund for tobacco education, prevention, and use control. However, two million five hundred thousand dollars ($2,500,000) of this amount must be used to fund minority organizations, agencies, and businesses to implement minority prevention and intervention programs.

(2) Twenty million dollars ($20,000,000) to be transferred to the Indiana prescription drug ~~fund~~ **account** for pharmaceutical assistance for low income senior citizens.

(3) Fifteen million dollars ($15,000,000) to the state department of health for total operating expenses for either or both of the following purposes:

(A) Community health centers.

(B) Primary health care centers for children.

(d) Ten million dollars ($10,000,000) is appropriated from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, to the state department of health to cover capital costs for the period beginning July 1, 2000, and ending June 30, 2002, for community health centers. **Unspent balances in this appropriation do not revert to the Indiana tobacco master settlement agreement fund until June 30, 2004.**

(e) In addition to the money appropriated under IC 6-7-1-30.5 and under P.L.273-1999, SECTION 8, one million five hundred thousand dollars ($1,500,000) shall be transferred from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, to the local health maintenance fund established by IC 16-46-10-1 and is appropriated for total operating expenses of the local health maintenance fund beginning July 1, 2000, and ending June 30, 2001. The appropriation made under this subsection shall be used to make supplemental grants, in addition to the grants provided under IC 16-46-10-2, under the following schedule to each local board of health whose application for funding is approved by the state board of health:

COUNTY POPULATION	AMOUNT OF GRANT
over - 499,999	$ 36,000
100,000 - 499,999	24,000
50,000 - 99,999	20,000
under - 50,000	14,000

SECTION 29. P.L.21-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 13. (a) The Indiana University School of Medicine shall submit proposed criteria and cost estimates to the Indiana health care ~~trust fund~~ **account** advisory board concerning the establishment and funding of a research project to determine the causes and tendencies of nicotine

addiction and withdrawal from nicotine addiction.

(b) The Indiana minority health coalition and Martin University shall submit proposed criteria and cost estimates to the Indiana health care ~~trust fund~~ **account** advisory board concerning the establishment and funding of a minority epidemiology resource center.

(c) This SECTION expires July 1, 2003.

SECTION 30. P.L.21-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 15. (a) The Indiana prescription drug advisory committee is established to:

(1) study pharmacy benefit programs and proposals, including programs and proposals in other states; and

(2) make initial and ongoing recommendations to the governor for programs that address the pharmaceutical costs of low-income senior citizens.

(b) The committee consists of eleven (11) members appointed by the governor and four (4) legislative members. The term of each member expires December 31, 2001. The members of the committee appointed by the governor are as follows:

(1) A physician with a specialty in geriatrics.

(2) A pharmacist.

(3) A person with expertise in health plan administration.

(4) A representative of an area agency on aging.

(5) A consumer representative from a senior citizen advocacy organization.

(6) A person with expertise in and knowledge of the federal Medicare program.

(7) A health care economist.

(8) A person representing a pharmaceutical research and manufacturing association.

(9) Three (3) other members as appointed by the governor.

~~The four (4) legislative members shall serve as nonvoting members.~~ The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the committee.

(c) The governor shall designate a member to serve as chairperson. A vacancy with respect to a member shall be filled in the same manner as the original appointment. Each member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties. The expenses of the committee shall be paid from the Indiana ~~pharmaceutical assistance fund~~ **prescription drug account** created by IC 4-12-8, as added by this act. The office of the secretary of family and social services shall provide staff for the committee. The committee is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3. The advisory council is a governing body for purposes of IC 5-14-1.5.

(d) Not later than September 1, 2000, the board shall make program design recommendations to the governor and the family and social services administration concerning the following:

(1) Eligibility criteria, including the desirability of incorporating an income factor based on the federal poverty level.

(2) Benefit structure.

(3) Cost-sharing requirements, including whether the program should include a requirement for copayments or premium payments.

(4) Marketing and outreach strategies.

(5) Administrative structure and delivery systems.

(6) Evaluation.

(e) The recommendations shall address the following:

(1) Cost-effectiveness of program design.

(2) Coordination with existing pharmaceutical assistance programs.

(3) Strategies to minimize crowd-out of private insurance.

(4) Reasonable balance between maximum eligibility levels and maximum benefit levels.

(5) Feasibility of a health care subsidy program where the amount of the subsidy is based on income.

(6) Advisability of entering into contracts with health insurance companies to administer the program.

(f) The committee may not recommend the use of funds from the Indiana ~~pharmaceutical assistance fund~~ **prescription drug account** for a state prescription drug benefit for low-income senior citizens if there is a federal statute or program providing a similar prescription drug benefit for the benefit of low-income senior citizens.

(g) This SECTION expires December 31, 2001.

SECTION 31. [EFFECTIVE JULY 1, 2001] **(a) As used in this SECTION, "total operating expense" has the meaning set forth in P.L.273-1999, SECTION 1.**

(b) There is appropriated to the tobacco use prevention and cessation fund five million dollars ($5,000,000) from the tobacco master settlement agreement fund for total operating expense for the tobacco use prevention and cessation board beginning July 1, 2001, and ending June 30, 2002.

(c) There is appropriated to the tobacco use prevention and cessation fund twenty-five million dollars ($25,000,000) from the tobacco master settlement agreement fund for total operating expense for the tobacco use prevention and cessation board beginning July 1, 2002, and ending June 30, 2003.

(d) There is appropriated to the local health maintenance fund seven hundred thousand dollars ($700,000) from the tobacco master settlement agreement fund for total operating expense beginning July 1, 2001, and ending June 30, 2002. This appropriation does not include the appropriation provided for this purpose in IC 6-7-1-30.5

(e) There is appropriated to the local health maintenance fund seven hundred thousand dollars ($700,000) from the tobacco master settlement agreement fund for total operating expense beginning July 1, 2002, and ending June 30, 2003. This appropriation does not include the appropriation provided for this purpose in IC 6-7-1-30.5

(f) There is appropriated to the commissioner of agriculture and the department of agriculture five million seven hundred thousand dollars ($5,700,000) from the tobacco master settlement agreement fund for total operating expense for the tobacco farmers and rural community impact fund beginning July 1, 2001, and ending June 30, 2002.

(g) There is appropriated to the commissioner of agriculture and the department of agriculture five million seven hundred thousand dollars ($5,700,000) from the tobacco master settlement agreement fund for total operating expense for the tobacco farmers and rural community impact fund beginning July 1, 2002, and ending June 30, 2003.

(h) There is appropriated to the state department of health fifteen million dollars ($15,000,000) from the tobacco master settlement agreement fund for total operating expense for community health centers beginning July 1, 2001, and ending June 30, 2002.

(i) There is appropriated to the state department of health seventeen million dollars ($17,000,000) from the tobacco master settlement agreement fund for total operating expense for community health centers beginning July 1, 2002, and ending June 30, 2003. One million dollars ($1,000,000) of this appropriation may be used for capital projects for community health centers.

(j) There is appropriated to the budget agency:

(1) ten million dollars ($10,000,000) from the tobacco master settlement agreement fund; and

(2) five million dollars ($5,000,000) from the Indiana prescription drug account;

for total operating expense for the Indiana prescription drug program beginning July 1, 2001, and ending June 30, 2002. The governor and the budget agency are authorized to add to this appropriation from the revenues accruing to the funds from which the appropriation was made.

(k) There is appropriated to the budget agency:

(1) twenty million dollars ($20,000,000) from the tobacco master settlement agreement fund; and

(2) five million dollars ($5,000,000) from the Indiana prescription drug account;

for total operating expense for the Indiana prescription drug program beginning July 1, 2002, and ending June 30, 2003. The governor and the budget agency are authorized to add to this appropriation from the revenues accruing to the funds from which the appropriation was made.

(l) There is appropriated to the budget agency thirty-eight million seven hundred thousand dollars ($38,700,000) from the tobacco

master settlement agreement fund for total operating expense for the Indiana health care advisory board beginning July 1, 2001, and ending June 30, 2002. This appropriation includes thirty-one million seven hundred thousand dollars ($31,700,000) for the children's health insurance program state match. The governor and the budget agency are authorized to add to this appropriation from the revenues accruing to the fund from which the appropriation was made.

(m) There is appropriated to the budget agency forty-four million dollars ($44,000,000) from the tobacco master settlement agreement fund for total operating expense for the Indiana health care advisory board beginning July 1, 2002, and ending June 30, 2003. This appropriation includes thirty-seven million dollars ($37,000,000) for the children's health insurance program state match. The governor and the budget agency are authorized to add to this appropriation from the revenues accruing to the funds from which the appropriation was made.

(n) There is appropriated to the family and social services administration forty-nine million six hundred forty-nine thousand five hundred forty-six dollars ($49,649,546) from the tobacco master settlement agreement fund for total operating expense for developmentally disabled client services for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 32. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1842 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1894, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, after "hearing" insert "**by a one (1) time publication in accordance with IC 5-3-1 that is**".

Page 2, line 10, delete "forty-eight (48) hours" and insert "**twenty (20) days**".

Page 2, line 10, delete "in accordance with" and insert "**.**".

Page 2, line 11, delete "IC 5-14-1.5-5.".

Page 3, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. IC 36-4-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.1. (a) This section applies to ~~municipalities:~~ **the following:**

(1) **A municipality** having a population of more than ten thousand (10,000) but less than fifteen thousand (15,000) located in a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000).

(2) **A municipality** having a population of more than thirty-three thousand (33,000) but less than thirty-three thousand eight hundred fifty (33,850) located in a county having a population of more than one hundred seven thousand (107,000) but less than one hundred eight thousand (108,000). ~~and~~

(3) **A municipality that is** located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(4) A town having a population of more than four thousand (4,000) but less than four thousand two hundred fifty (4,250).

(b) Except as provided in subsection (c), the legislative body of a municipality to which this section applies may, by ordinance, annex territory that:

(1) is contiguous to the municipality;

(2) in the case of a municipality described in ~~subdivision~~ **subsection** (a)(1) **or (a)(4),** has its entire area within the township within which the municipality is primarily located; and

(3) is owned by a property owner who consents to the annexation.

(c) Subsection (b)(2) does not apply to a municipality having a population of:

(1) more than six thousand (6,000) but less than six thousand five hundred (6,500); or

(2) more than eight thousand seven hundred (8,700) but less than eight thousand nine hundred (8,900);

in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(d) Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that is classified for zoning purposes as agriculture and remains exempt from the property tax liability while the property's zoning classification remains agriculture.

(e) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.".

Page 4, line 27, strike "sixty (60)" and insert "**ninety (90)**".

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"**(e) If a municipality decides not to continue with an annexation after the court determines that the remonstrance is sufficient, a municipality may not make further attempts to annex the territory during the four (4) years after the date the municipality determined not to continue with the annexation.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1894 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1901, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 11 through 15.

Page 2, delete lines 34 through 42.

Page 3, delete lines 1 through 4.

Page 4, delete lines 27 through 33.

Page 5, line 6, delete "Mercury-Added" and insert "**Mercury and Mercury**".

Page 5, delete lines 7 through 42.

Delete pages 6 through 7.

Page 8, delete lines 1 through 4.

Page 8, line 5, delete "Sec. 7." and insert "**Sec. 1.**".

Page 8, line 17, delete "Sec. 8." and insert "**Sec. 2.**".

Page 8, line 26, delete "Sec. 9." and insert "**Sec. 3.**".

Page 8, line 34, delete "Sec. 10." and insert "**Sec. 4.**".

Page 9, line 14, delete "Sec. 11." and insert "**Sec. 5.**".

Page 9, line 15, delete "are mercury-added" and insert "**contain mercury added during manufacture**".

Page 9, line 16, delete "products".

Page 9, line 17, delete "are not mercury-added" and insert "**:**

(A) do not contain mercury added during manufacture; and

(B) might replace thermostats that contain mercury added during manufacture;".

Page 9, delete lines 18 through 19.

Page 9, delete lines 26 through 31.

Page 9, line 32, delete "Sec. 13." and insert "**Sec. 6.**".

Page 9, line 33, delete "about:" and insert "**collection programs available to the public for products that contain mercury.**".

Page 9, delete lines 34 through 42.

Page 10, delete lines 1 through 26.

Page 10, line 29, after "of" insert "**products that contain mercury;**".

Page 10, delete lines 30 through 31.

Page 10, line 34, after "act;" insert "**and**".

Page 10, delete lines 35 through 41.

Page 10, line 42, delete "(4)" and insert "**(3)**".

Page 11, delete lines 3 through 42.

Delete pages 12 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1901 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1902, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-4-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 32. (a) As used in this section, "qualifying county" means a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

(b) Notwithstanding IC 6-1.1-4-15 and IC 6-1.1-4-17, a township assessor in a qualifying county may not appraise property, or have property appraised, for a general reassessment. Completion of a general reassessment in a qualifying county is instead governed by this section.

(c) The state board of tax commissioners shall select and contract with a nationally recognized appraisal firm to appraise property for each general reassessment in a qualifying county. The contract must include:

(1) a fixed date by which the appraisal firm must complete all responsibilities under the contract;

(2) a provision requiring the appraisal firm to use the land values determined for the qualifying county under IC 6-1.1-4-13.6;

(3) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;

(4) a provision requiring the appraisal firm to make periodic reports to the state board of tax commissioners;

(5) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in subdivision (4) are to be made;

(6) a precise stipulation of what service or services are to be provided;

(7) a provision requiring the appraisal firm to deliver a report of the assessed value of each parcel in a township in the qualifying county to the state board of tax commissioners; and

(8) any other provisions required by the state board of tax commissioners.

(d) After receiving the report of assessed values from the appraisal firm, the state board of tax commissioners shall give notice to the taxpayer and the county assessor, by mail, of the amount of the reassessment. The notice of reassessment is subject to appeal by the taxpayer under IC 6-1.1-15.

(e) The state board of tax commissioners shall mail the notice required by subsection (d) within ninety (90) days after the board receives the report for a parcel from the professional appraisal firm.

(f) The cost of a contract under this section shall be paid from the property reassessment fund of the qualifying county established under IC 6-1.1-4-27.

SECTION 2. IC 6-1.1-6.8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]:

Chapter 6.8. Residential Assessments, Deductions, and Exemptions in Qualifying Counties

Sec. 1. As used in this chapter, "agreed to procedures report" means a report based on procedures agreed to by an independent nationally recognized certified public accounting firm and the state board of tax commissioners on the accuracy of the implementation:

(1) of minimum assessed values under sections 7 and 8 of this chapter in a qualifying county by:

(A) the township assessors of the townships in the qualifying county; and

(B) the county property tax assessment board of appeals of the qualifying county;

(2) by the county auditor of the qualifying county of maximum combined deductions under section 10 of this chapter;

(3) of the limitation on net assessed value under section 11 of this chapter by:

(A) the township assessors of the townships in the qualifying county;

(B) the county auditor of the qualifying county; and

(C) the county property tax assessment board of appeals of the qualifying county;

(4) by the county auditor of the qualifying county of the limitations under IC 6-1.1-12 on the application against the assessed values of multiple parcels of deductions under a section in an amount that exceeds the maximum deduction amount stated in the section; and

(5) by the county property tax assessment board of appeals of the qualifying county of the exemption limitation under IC 6-1.1-10-16(d)(3).

Sec. 2. As used in this chapter, "legislative body" has the meaning set forth in IC 36-1-2-9.

Sec. 3. As used in this chapter, "net assessed value" means the remainder of:

(1) the combined assessed value of a single family residence and the single family residence land upon which the residence is located; minus

(2) the combined deductions under IC 6-1.1-12 applicable to the combined assessed value of the single family residence and the single family residence land upon which the residence is located.

Sec. 4. As used in this chapter, "qualifying county" means a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 5. As used in this chapter, "single family residence" means a building designed to house one (1) family.

Sec. 6. As used in this chapter, "single family residence land" means the parcel of land on which a single family residence:

(1) is located; or

(2) has been located within the ten (10) years immediately preceding the assessment date for which a minimum assessed value is determined under this chapter.

Sec. 7. The minimum assessed value of a single family residence located in a qualifying county is forty-two thousand dollars ($42,000).

Sec. 8. The minimum assessed value of single family residence land located in a qualifying county is three thousand dollars ($3,000).

Sec. 9. A minimum assessed value under this chapter is presumed to be accurate unless the inaccuracy of the minimum assessment is established by clear and convincing evidence.

Sec. 10. The maximum combined deductions under IC 6-1.1-12 applicable to the combined assessed value of a single family residence and the single family residence land upon which the residence is located in a qualifying county is twelve thousand dollars ($12,000).

Sec. 11. The application of deductions under IC 6-1.1-12 may not reduce the net assessed value of a single family residence and the single family residence land upon which the residence is located in a qualifying county to an amount less than thirty-three thousand dollars ($33,000).

Sec. 12. With respect to each year in which a general reassessment of real property is completed as required under section 4 of this chapter, the state board of tax commissioners shall contract for an independent nationally recognized certified public accounting firm to:

(1) conduct a review of the accuracy of the implementations referred to in section 1(1) through 1(5) of this chapter; and

(2) prepare an agreed to procedures report.

Sec. 13. The state board of tax commissioners shall contract

under section 12 of this chapter with the same firm that contracts with the board under IC 6-1.1-4-32(d).

Sec. 14. The firm that prepares the agreed to procedures report shall submit the report to:

(1) the legislative body of the qualifying county;

(2) the prosecuting attorney of the qualifying county;

(3) the state board of tax commissioners; and

(4) the attorney general.

Sec. 15. If the state board of tax commissioners determines from the agreed to procedures report that the minimum assessed values established in this chapter were not accurately applied in the qualifying county, or in any part of the qualifying county, the state board shall implement the minimum assessed values using its authority to reassess property under IC 6-1.1-14-10.

Sec. 16. If the state board of tax commissioners determines from the agreed to procedures report that the implementations referred to in section 1(2) through 1(5) of this chapter were not accurate in the qualifying county, or in any part of the qualifying county, the state board shall correct the implementations. The state board of tax commissioners may correct the implementations subject to the same authority and limitations that apply to the reassessment of property by the state board under IC 6-1.1-14-10.

SECTION 3. IC 6-1.1-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Each year a person who is a resident of this state may receive a deduction from the assessed value of:

(1) mortgaged real property that he owns; or

(2) real property that he is buying under a contract, with the contract or a memorandum of the contract recorded in the county recorder's office, which provides that he is to pay the property taxes on the real property.

(b) The total amount of the deduction which the person may receive under this section for a particular year is:

(1) the balance of the mortgage or contract indebtedness on the assessment date of that year;

(2) one-half (1/2) of the assessed value of the real property; or

(3) three thousand dollars ($3,000);

whichever is least.

(c) A person who has sold real property to another person under a contract which provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section with respect to that real property.

(d) The amount of a deduction to which a person is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 4. IC 6-1.1-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.(a) An individual may obtain a deduction from the assessed value of the individual's real property, or mobile home which is not assessed as real property, if:

(1) the individual is at least sixty-five (65) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

(A) the individual and the individual's spouse; or

(B) the individual and all other individuals with whom:

(i) the individual shares ownership; or

(ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common;

for the calendar year preceding the year in which the deduction is claimed did not exceed twenty thousand dollars ($25,000);

(3) the individual has owned the real property or mobile home for at least one (1) year before claiming the deduction; or the individual has been buying the real property under a contract that provides that the individual is to pay the property taxes on the real property or mobile home for at least one (1) year before claiming the deduction, and the contract or a memorandum of the contract is recorded in the county recorder's office;

(4) the individual and any individuals covered by subdivision (2)(B) reside on the real property or in the mobile home;

(5) the assessed value of the real property or mobile home does not exceed sixty-three thousand dollars ($69,000); and

(6) the individual receives no other property tax deduction for the year in which the deduction is claimed, except the deductions provided by sections 1, 37, and 38 of this chapter.

(b) Except as provided in subsection (h), in the case of real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the real property; or

(2) six thousand dollars ($6,000).

(c) Except as provided in subsection (h), in the case of a mobile home which is not assessed as real property, an individual's deduction under this section equals the lesser of:

(1) one-half (1/2) of the assessed value of the mobile home; or

(2) six thousand dollars ($6,000).

(d) An individual may not be denied the deduction provided under this section because the individual is absent from the real property or a mobile home while in a nursing home or hospital.

(e) For purposes of this section, if real property or a mobile home is owned by:

(1) tenants by the entirety;

(2) joint tenants; or

(3) tenants in common;

only one (1) deduction may be allowed. However, the age requirement is satisfied if any one (1) of the tenants is at least sixty-five (65) years of age.

(f) A surviving spouse is entitled to the deduction provided by this section if:

(1) the surviving spouse is at least sixty (60) years of age on or before December 31 of the calendar year preceding the year in which the deduction is claimed;

(2) the surviving spouse's deceased husband or wife was at least sixty-five (65) years of age at the time of a death;

(3) the surviving spouse has not remarried; and

(4) the surviving spouse satisfies the requirements prescribed in subsection (a)(2) through (a)(6).

(g) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(h) In the case of tenants covered by subsection (a)(2)(B), if all of the tenants are not at least sixty-five (65) years of age, the deduction allowed under this section shall be reduced by an amount equal to the deduction multiplied by a fraction. The numerator of the fraction is the number of tenants who are not at least sixty-five (65) years of age, and the denominator is the total number of tenants.

(i) The amount of a deduction to which an individual is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 5. IC 6-1.1-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) An individual may have the sum of six thousand dollars ($6,000) deducted from the assessed value of real property that the individual owns, or that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, if the contract or a memorandum of the contract is recorded in the county recorder's office, and if:

(1) the individual is blind or the individual is a disabled person;

(2) the real property is principally used and occupied by the individual as the individual's residence; and

(3) the individual's taxable gross income for the calendar year preceding the year in which the deduction is claimed did not exceed seventeen thousand dollars ($17,000).

(b) For purposes of this section, taxable gross income does not include income which is not taxed under the federal income tax laws.

(c) For purposes of this section, "blind" has the same meaning as the definition contained in IC 12-7-2-21(1).

(d) For purposes of this section, "disabled person" means a person unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which:

(1) can be expected to result in death; or

(2) has lasted or can be expected to last for a continuous period of not less than twelve (12) months.

(e) Disabled persons filing claims under this section shall submit proof of disability in such form and manner as the department shall by rule prescribe. Proof that a claimant is eligible to receive disability benefits under the federal Social Security Act (42 U.S.C. 301 et seq.) shall constitute proof of disability for purposes of this section.

(f) A disabled person not covered under the federal Social Security Act shall be examined by a physician and the individual's status as a disabled person determined by using the same standards as used by the Social Security Administration. The costs of this examination shall be borne by the claimant.

(g) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(h) The amount of a deduction to which an individual is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 6. IC 6-1.1-12-13, AS AMENDED BY P.L.123-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) An individual may have twelve thousand dollars ($12,000) deducted from the assessed value of the taxable tangible property that the individual owns, or real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, if the contract or a memorandum of the contract is recorded in the county recorder's office and if:

(1) the individual served in the military or naval forces of the United States during any of its wars;

(2) the individual received an honorable discharge;

(3) the individual is disabled with a service connected disability of ten percent (10%) or more; and

(4) the individual's disability is evidenced by:

(A) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs; or

(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.

(b) The surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) One who receives the deduction provided by this section may not receive the deduction provided by section 16 of this chapter. However, the individual may receive any other property tax deduction which the individual is entitled to by law.

(d) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(e) The amount of a deduction to which an individual is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 7. IC 6-1.1-12-14, AS AMENDED BY P.L.123-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) Except as provided in subsection (c), an individual may have the sum of six thousand dollars ($6,000) deducted from the assessed value of the tangible property that the individual owns (or the real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

(1) the individual served in the military or naval forces of the United States for at least ninety (90) days;

(2) the individual received an honorable discharge;

(3) the individual either:

(A) is totally disabled; or

(B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%); and

(4) the individual's disability is evidenced by:

(A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or

(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.

(b) Except as provided in subsection (c), the surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) No one is entitled to the deduction provided by this section if the assessed value of the individual's tangible property, as shown by the tax duplicate, exceeds fifty-four thousand dollars ($54,000).

(d) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(e) The amount of a deduction to which an individual is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 8. IC 6-1.1-12-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) A surviving spouse may have the sum of nine thousand dollars ($9,000) deducted from the assessed value of his or her tangible property, or real property that the surviving spouse is buying under a contract that provides that he is to pay property taxes on the real property, if the contract or a memorandum of the contract is recorded in the county recorder's office, and if:

(1) the deceased spouse served in the military or naval forces of the United States before November 12, 1918; and

(2) the deceased spouse received an honorable discharge.

(b) A surviving spouse who receives the deduction provided by this section may not receive the deduction provided by section 13 of this chapter. However, he or she may receive any other deduction which he or she is entitled to by law.

(c) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

(d) The amount of a deduction to which a surviving spouse is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 9. IC 6-1.1-12-17.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17.4. (a) A World War I veteran who is a resident of Indiana is entitled to have the sum of nine thousand dollars ($9,000) deducted from the assessed valuation of the real property the veteran owns or is buying under a contract that requires the veteran to pay property taxes on the real property if the contract or a memorandum of the contract is recorded in the county recorder's office, including a mobile home which is assessed as real property, if:

(1) the real property is the veteran's principal residence;

(2) the assessed valuation of the real property does not exceed seventy-eight thousand dollars ($78,000); and

(3) the veteran owns the real property for at least one (1) year before claiming the deduction.

(b) An individual may not be denied the deduction provided by this section because the individual is absent from the individual's principal residence while in a nursing home or hospital.

(c) For purposes of this section, if real property is owned by a husband and wife as tenants by the entirety, only one (1) deduction may be allowed under this section. However, the deduction provided in this section applies if either spouse satisfies the requirements prescribed in subsection (a).

(d) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section with respect to that real property.

(e) The amount of a deduction to which an individual is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 10. IC 6-1.1-12-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) If the assessed value of residential real property described in subsection (d) of this section is increased because it has been rehabilitated, the owner may have deducted from the assessed value of the property an amount not to exceed the lesser of:

(1) the total increase in assessed value resulting from the rehabilitation; or

(2) nine thousand dollars ($9,000) per rehabilitated dwelling unit.

The owner is entitled to this deduction annually for a five (5) year period.

(b) For purposes of this section, the term "rehabilitation" means repairs, replacements, or improvements which are intended to increase the livability, utility, safety, or value of the property and which do not increase the total amount of floor space devoted to residential purposes unless the increase in floor space is required in order to make the building comply with a local housing code or zoning ordinance.

(c) For the purposes of this section, the term "owner" or "property owner" includes any person who has the legal obligation, or has otherwise assumed the obligation, to pay the real property taxes on the rehabilitated property.

(d) The deduction provided by this section applies only for the rehabilitation of residential real property which is located within this state and which is described in one (1) of the following classifications:

(1) a single family dwelling if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed eighteen thousand dollars ($18,000);

(2) a two (2) family dwelling if before rehabilitation the assessed value (excluding exemptions or deductions) of the improvements does not exceed twenty-four thousand dollars ($24,000) and

(3) a dwelling with more than two (2) family units if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed nine thousand dollars ($9,000) per dwelling unit.

(e) The amount of a deduction to which an owner is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 11. IC 6-1.1-12-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. (a) If the assessed value of property is increased because it has been rehabilitated and the owner has paid at least ten thousand dollars ($10,000) for the rehabilitation, the owner is entitled to have deducted from the assessed value of the property an amount equal to fifty percent (50%) of the increase in assessed value resulting from the rehabilitation. The owner is entitled to this deduction annually for a five (5) year period. However, the maximum deduction which a property owner may receive under this section for a particular year is:

(1) sixty thousand dollars ($60,000) for a single family dwelling unit; or

(2) three hundred thousand dollars ($300,000) for any other type of property.

(b) For purposes of this section, the term "property" means a building or structure which was erected at least ten (10) years before the date of application for the deduction provided by this section. The term "property" does not include land.

(c) For purposes of this section the term "rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property. However, the enlargement or extension of the enclosed floor area of property shall, for computation of the deduction, be limited within a five (5) year period to a total additional enclosed floor area equal to the size of the enclosed floor area of the property on the date of completion of the first extension or enlargement completed after March 1, 1973.

(d) The amount of a deduction to which an owner is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 12. IC 6-1.1-12-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 26. (a) The owner of real property, or a mobile home which is not assessed as real property, which is equipped with a solar energy heating or cooling system may have deducted annually from the assessed value of the real property or mobile home an amount which is equal to the remainder of (1) the assessed value of the real property or mobile home with the solar energy heating or cooling system included, minus (2) the assessed value of the real property or mobile home without the system.

(b) The state board of tax commissioners shall promulgate rules and regulations for determining the value of a solar energy heating or cooling system. The rules and regulations must provide the method of determining the value on the basis of:

(1) the cost of the system components that are unique to the system and that are needed to collect, store, or distribute solar energy; and

(2) any other factor that is a just and proper indicator of value.

(c) The amount of a deduction to which an owner is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 13. IC 6-1.1-12-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 29. (a) For purposes of this section, "wind power device" means a device, such as a windmill or a wind turbine, that is designed to utilize the kinetic energy of moving air to provide mechanical energy or to produce electricity.

(b) The owner of real property, or a mobile home that is not assessed as real property, that is equipped with a wind power device is entitled to an annual property tax deduction. The amount of the deduction equals the remainder of (1) the assessed value of the real property or mobile home with the wind power device included, minus (2) the assessed value of the real property or mobile home without the wind power device.

(c) The amount of a deduction to which an owner is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 14. IC 6-1.1-12-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. (a) For purposes of this section "hydroelectric power device" means a device which is installed after December 31, 1981, and is designed to utilize the kinetic power of moving water to provide mechanical energy or to produce electricity.

(b) The owner of real property, or a mobile home that is not assessed as real property, that is equipped with a hydroelectric power device is annually entitled to a property tax deduction. The amount of the deduction equals the remainder of: (1) the assessed value of the real property or mobile home with the hydroelectric power device; minus (2) the assessed value of the real property or mobile home without the hydroelectric power device.

(c) The amount of a deduction to which an owner is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 15. IC 6-1.1-12-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. (a) For purposes of this section, "geothermal energy heating or cooling device" means a device that is installed after December 31, 1981, and is designed to utilize the natural heat from the earth to provide hot water, produce electricity, or generate heating or cooling.

(b) The owner of real property, or a mobile home that is not assessed as real property, that is equipped with a geothermal energy heating or cooling device is annually entitled to a property tax deduction. The amount of the deduction equals the remainder of: (1) the assessed value of the real property or mobile home with the geothermal heating or cooling device; minus (2) the assessed value of the real property or mobile home without the geothermal heating or cooling device.

(c) The amount of a deduction to which an owner is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 16. IC 6-1.1-12-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 37. (a) Each year a person who is entitled to receive the homestead credit provided under IC 6-1.1-20.9 for property taxes payable in the following year is entitled to a standard deduction from the assessed value of the real property that qualifies for the homestead credit. The auditor of the county shall record and make the deduction for the person qualifying for the deduction.

(b) The total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) one-half (1/2) of the assessed value of the real property; or

(2) six thousand dollars ($6,000).

(c) A person who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section with respect to that real property.

(d) The amount of a deduction to which a person is entitled under this section is subject to the limitation established by IC 6-1.1-6.8-10.

SECTION 17. IC 6-1.1-17-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the state board of tax commissioners may revise, reduce, or increase a political subdivision's budget, tax rate, or tax levy which the board reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the state board of tax commissioners may review, revise, reduce, or increase the budget, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsection (i), before the state board of tax commissioners reviews, revises, reduces, or increases a political subdivision's budget, tax rate, or tax levy under this section, the board must hold a public hearing on the budget, tax rate, and tax levy. The board shall hold the hearing in the county in which the political subdivision is located. The board may consider the budgets, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the board shall give notice of the time and place of the hearing and of the budgets, levies, and tax rates to be considered at the hearing. The board shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the board shall publish the notice in that newspaper.

(d) Except as provided in subsection (h), IC 6-1.1-19, or IC 6-1.1-18.5, the state board of tax commissioners may not increase a political subdivision's budget, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. The state board of tax commissioners shall give the political subdivision written notification specifying any revision, reduction, or increase the state board of tax commissioners proposes in a political subdivision's tax levy or tax rate. The political subdivision has one (1) week from the date the political subdivision receives the notice to provide a written response to the state board of tax commissioners' Indianapolis office specifying how to make the required reductions in the amount budgeted for each office or department. The state board of tax commissioners shall make reductions as specified in the political subdivision's response if the response is provided as required by this subsection and sufficiently specifies all necessary reductions. The state board of tax commissioners may make a revision, a reduction, or an increase in a political subdivision's budget only in the total amounts budgeted for each office or department within each of the major budget classifications prescribed by the state board of accounts.

(e) The state board of tax commissioners may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The action of the state board of tax commissioners on a budget, tax rate, or tax levy is final. The board shall certify its action to:

(1) the county auditor; ~~and~~

(2) the political subdivision if the state board acts pursuant to an appeal initiated by the political subdivision; **and**

(3) for a municipality located in a qualifying county (as defined in IC 6-1.1-6.8-2), the department of state revenue.

(g) The state board of tax commissioners is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(h) Subject to the provisions of all applicable statutes, the state board of tax commissioners may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

(1) requested in writing by the officers of the political subdivision;

(2) either:

(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or

(B) results from an inadvertent mathematical error made in determining the levy; and

(3) published by the political subdivision according to a notice provided by the state board of tax commissioners.

(i) The state board of tax commissioners shall annually review the budget of each school corporation not later than April 1. The state board of tax commissioners shall give the school corporation written notification specifying any revision, reduction, or increase the state board of tax commissioners proposes in the school corporation's budget. A public hearing is not required in connection with this review of the budget.

SECTION 18. **An emergency is declared for this act.**

(Reference is to HB 1902 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

STEVENSON, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1047

Representative Duncan called down House Bill 1047 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1367

Representative Weinzapfel called down House Bill 1367 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1367–1)

Mr. Speaker: I move that House Bill 1367 be amended to read as follows:

Page 1, line 5, delete "with or without an".

Page 1, line 6, delete "employment certificate issued".

Page 1, line 6, delete "**.**" and insert "**, but does not apply to children subject to:**

(1) section 2 of this chapter; or

(2) section 20(m)(2) or 20(m)(3) of this chapter.".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"**(c) The rest break must be available to the child during the time beginning three (3) hours after and ending five (5) hours after the child begins the child's period of duty.**".

(Reference is to HB 1367 as printed February 6, 2001.)

WEINZAPFEL

Motion prevailed.

HOUSE MOTION
(Amendment 1367–4)

Mr. Speaker: I move that House Bill 1367 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-8.1-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. This chapter does not apply to a parent who employs the parent's own child or a person standing in place of a parent who employs a child in the person's custody, except for those provisions concerning underage employment (IC 20-8.1-4-21(a)), employment during school hours (IC 20-8.1-4-21(b)), and employment in hazardous occupations designated by federal law (IC 20-8.1-4-25).**".

Page 3, line 9, after "than" insert "**thirty**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1367 as printed February 6, 2001.)

WEINZAPFEL

Motion prevailed.

HOUSE MOTION
(Amendment 1367–3)

Mr. Speaker: I move that House Bill 1367 be amended to read as follows:

Page 1, between lines 10 and 11, begin a new subparagraph and insert:

"**(c) This section does not apply to a child employed by a parent or a firm, limited liability company, or corporation in which the child's parent owns a majority interest.**"

(Reference is to HB 1367 as printed February 6, 2001.)

TORR

Motion failed. The bill was ordered engrossed.

House Bill 1368

Representative Weinzapfel called down House Bill 1368 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1368–1)

Mr. Speaker: I move that House Bill 1368 be amended to read as follows:

Page 13, line 25, before "for" insert "**that knows or should know that the physician or hospital is treating a person**".

Page 13, line 41, delete "intended" and insert "**designed**".

Page 14, line 10, delete "." and insert "**or for its designed purposes**.".

Page 24, line 38, delete "treats" and insert "**knows or should know that the physician or hospital is treating**".

(Reference is to HB 1368 as printed February 15, 2001.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1478

Representative Porter called down House Bill 1478 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1478–2)

Mr. Speaker: I move that House Bill 1478 be amended to read as follows:

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1478 as printed February 15, 2001.)

PORTER

Motion prevailed.

HOUSE MOTION
(Amendment 1478–1)

Mr. Speaker: I move that House Bill 1478 be amended to read as follows:

Page 1, line 4, delete "." and insert **"or a registered nurse acting outside the scope of the nurse's employment."** Page 2, line 15, delete "," and insert **"or a registered nurse acting outside the scope of the nurse's employment,".**

(Reference is to HB 1478 as printed February 15, 2001.)

STURTZ

Motion prevailed. The bill was ordered engrossed.

House Bill 1699

Representative Summers called down House Bill 1699 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1699–2)

Mr. Speaker: I move that House Bill 1699 be amended to read as follows:

Page 2, line 7, delete "means an" and insert:

"**means a married:**

(1) individual policyholder;

(2) subscriber;

(3) certificate holder;

(4) enrollee; or

(5) other individual;

who is covered by the insurance policy of a policy holder, a subscriber, a certificate holder, or an enrollee."

Page 2, delete lines 8 through 10.

(Reference is to HB 1699 as printed February 16, 2001.)

BUCK

Upon request of Representatives Buck and Ripley, the Chair ordered the roll of the House to be called. Roll Call 181: yeas 32, nays 61. Representative Murphy was excused from voting. Motion failed.

HOUSE MOTION
(Amendment 1699–1)

Mr. Speaker: I move that House Bill 1699 be amended to read as follows:

Page 2, line 6, delete "." and insert "**after conception.**".

(Reference is to HB 1699 as printed February 16, 2001.)

WHETSTONE

Upon request of Representatives Whetstone and Bosma, the Chair ordered the roll of the House to be called. Roll Call 182: yeas 56, nays 33. Representative Murphy was excused from voting. Motion prevailed. The bill was ordered engrossed.

House Bill 1856

Representative Dobis called down House Bill 1856 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1857

Representative Crawford called down House Bill 1857 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1857–2)

Mr. Speaker: I move that House Bill 1857 be amended to read as follows:

Page 4, line 13, delete "transitions" and insert "**transfers**".

Page 4, line 23, delete "constitutes" and insert "**constitute**".

Page 9, line 35, delete "transitions" and insert "**transfers**".

Page 10, line 3, delete "constitutes" and insert "**constitute**".

Page 11, line 30, delete "IC 12-17.6-4-8" and insert "**IC 12-17.6-4-7**".

(Reference is to HB 1857 as printed February 16, 2001.)

CRAWFORD

Motion prevailed.

HOUSE MOTION
(Amendment 1857–3)

Mr. Speaker: I move that House Bill 1857 be amended to read as follows:

Page 3, line 37, after "a" insert "**Medicaid recipient who:**

(1) is required to be enrolled in a Medicaid managed care program; and

(2) resides in a county having a consolidated city.".

Page 3, delete lines 38 through 39.

Page 4, line 23, delete "constitutes" and insert "**do not constitute**".

Page 9, line 18, after "a" insert "**child who:**

(1) is enrolled in the program established under this article; and

(2) resides in a county having a consolidated city.".

Page 9, delete line 19.

Page 10, line 3, delete "constitutes" and insert "**do not constitute**".

(Reference is to HB 1857 as printed February 16, 2001.)

CRAWFORD

Motion prevailed.

HOUSE MOTION
(Amendment 1857–4)

Mr. Speaker: I move that House Bill 1857 be amended to read as follows:

Page 3, line 27, delete "." and insert "**and any cost offsets or cost shifts as a result of the cost containment measures.**".

Page 7, between lines 24 and 25, begin a new paragraph and insert:

"**(e) The board may not require prior approval of a single source drug based solely on the cost of the drug.**

(f) The use of prior authorization must be based on the recommendation of the board.".

Page 7, line 31, delete "shall" and insert "**may**".

Page 7, line 32, after "drug" delete "formulary and" and insert "formulary. **If the office establishes a formulary,**".

Page 7, line 32, delete "board." and insert "board **in compliance with 42 U.S.C. 1396r.**".

Page 9, between lines 15 and 16, begin a new paragraph and insert:

(l) A Medicaid managed care organization may not require prior approval of a single source drug based solely on the cost of the drug.

(m) The use of prior authorization must be based on the recommendation of the board.

SECTION 14. IC 12-15-35-47, AS ADDED BY P.L.231-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 47. (a) This section applies to the following changes to a formulary used by a Medicaid managed care organization for Medicaid recipients:

(1) Removing one (1) or more drugs from the formulary.

(2) Placing new restrictions on one (1) or more drugs on the formulary.

(b) Before a Medicaid managed care organization makes a change described in subsection (a), the managed care organization shall submit the proposed change to the office.

(c) The office shall forward the proposed change to the board for the board's review and recommendation.

(d) The office shall provide at least thirty (30) days notification to the public that the board will:

(1) review the proposed change; and

(2) consider evidence and credible information provided to the board;

at the board's regular board meeting before making a recommendation to the office regarding whether the proposed change should be approved or disapproved.

(e) Based on the final recommendation of the board, the office may approve or disapprove the proposed change. If a proposed change is not disapproved within ninety (90) days after the date the managed care organization submits the proposed change to the office, the managed care organization may implement the change to the formulary.

(f) A Medicaid managed care organization:

(1) may add a drug to the managed care organization's formulary without the approval of the office; and

(2) shall notify the office of any addition to the managed care organization's formulary within thirty (30) days after making the addition.

(g) A Medicaid managed care organization may not require prior approval of a single source drug based solely on the cost of the drug.

(h) The use of prior authorization must be based on the recommendation of the board.".

Page 11, between lines 22 and 23, begin a new paragraph and insert:

"**(e) Every six (6) months, the drug utilization review board established by IC 12-15-35-19 shall:**

(1) recommend to the office of Medicaid policy and planning established by IC 12-15-1-1 those brand name drugs with generic equivalents that are to be subject to prior approval; and

(2) analyze:

(A) the cost savings achieved by the prior approval program; and

(B) any concerns with:

(i) cost shifting; and

(ii) lowered health outcomes;

as a result of the prior approval program.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1857 as printed February 16, 2001.)

CRAWFORD

Motion prevailed.

HOUSE MOTION
(Amendment 1857–1)

Mr. Speaker: I move that House Bill 1857 be amended to read as follows:

Delete pages 1 through 2.

Page 3, delete lines 1 through 34.

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 1. IC 4-6-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1. The Attorney General shall establish, within the state medicaid fraud control unit established under chapter 10 of this article, a unit for the investigation of:**

(a) intentional program violations under the federal food stamp program, pursuant to 7 C.F.R. 277.15; and

(b) abusive and improper or fraudulent practices in the other public assistance programs administered by the Indiana Family and Social Services Administration, Division of Family and Children, including the Temporary Assistance to Needy Families and Medicaid programs.

Sec. 2. The investigative unit established by section 1 of this chapter shall have responsibility for investigation of fraud and abuse on the part of recipients of public assistance under the programs described in section 1, as well as the investigation of potential criminal misconduct by others involved in the administration of the programs.

Sec. 3. If the Attorney General determines, following an investigation, that a criminal violation may have been committed by any person or entity, the Attorney General shall refer the matter to the appropriate prosecuting authority for further action. If invited to do so by the prosecuting authority, the Attorney General may participate in the prosecution of any case so referred.

Sec. 4. If the Attorney General determines, following an investigation, that misconduct may have occurred on the part of an employee of the state of Indiana, the Attorney General may refer the matter to the appropriate agency of the state for potential disciplinary action. "

Renumber all SECTIONS consecutively.

(Reference is to HB 1857 as printed February 16, 2001.)

FOLEY

Upon request of Representatives Foley and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 183: yeas 46, nays 52. Motion failed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1639

Representative Dickinson called down Engrossed House Bill 1639 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Sipes, and Blade.

Engrossed House Bill 1706

Representative Liggett called down Engrossed House Bill 1706 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 55, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Craycraft.

Engrossed House Bill 1727

Representative Crawford called down Engrossed House Bill 1727 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and human services and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Johnson, Miller, Simpson, and Breaux.

Engrossed House Bill 1003

Representative Bauer called down Engrossed House Bill 1003 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local finance and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 65, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Simpson.

Engrossed House Bill 1837

Representative Hasler called down Engrossed House Bill 1837 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and consumer protection.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 96, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Lanane.

Engrossed House Bill 1574

Representative Crawford called down Engrossed House Bill 1574 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 54, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Howard.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1043, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 4-1-9" and insert "IC 34-12-3".

Page 1, line 2, delete "[EFFECTIVE JULY" and insert "[EFFECTIVE UPON PASSAGE]:".

Page 1, delete line 3.

Page 1, line 4, delete "9" and insert "**3**".

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"**Sec. 2. As used in this chapter, "person" has the meaning set forth in IC 35-41-1-22.**".

Page 1, line 8, delete "2" and insert "**3**".

Page 1, line 8, delete "sections 3 and 4" and insert "**section 5**".

Page 1, line 8, delete "the" and insert "**a person**".

Page 1, line 9, delete "state".

Page 2, delete lines 4 through 7, begin a new paragraph and insert:

"**Sec 4. If a court finds that a party has brought an action under a theory of recovery described in section 3(1) or 3(2) of this chapter, the finding constitutes conclusive evidence that the action is groundless. If a court makes a finding under this section, the court shall dismiss the claims or action and award to the defendant any reasonable attorney's fee and costs incurred in defending the claims or action.**".

Page 2, line 8, delete "4" and insert "**5**".

Page 2, line 8, delete "the" and insert "**a person**".

Page 2, line 9, delete "state".

Page 2, line 13, delete "the state" and insert "**a person**".

Page 2, line 14, after "to" insert "**a person or to**".

Page 2, line 14, delete "the state" and insert "**a person**".

Page 2, delete lines 16 and 17.

Page 2, line 18, delete "(4)" and insert "**(3)**".

Page 2, delete lines 20 through 42.

Page 3, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **IC 34-12-3, as added by this act, applies only to actions filed after the effective date of this act.**

SECTION 3. **An emergency is declared for this act.**".

(Reference is to HB 1043 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1054, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as

follows:

Page 1, line 2, delete "This" and insert "**Except for a cause of action arising from an unfair claim settlement practice specified in section 4.5 of this chapter,** this".

Page 1, line 4, reset in roman "or".

Page 1, line 6, delete "; or" and insert ".".

Page 1, delete lines 7 through 17.

Delete page 2.

(Reference is to HB 1054 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 6.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-47-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. As used in this chapter, "child" means a person who is less than eighteen (18) years of age, **except under section 7.1 of this chapter where it means a person who is less than twelve (12) years of age.**".

Page 1, line 6, delete "or".

Page 1, line 7, delete "." and insert "**; or**".

Page 1, between lines 7 and 8, begin a new line double block indented and insert:

"**(C) located in some other place that a reasonable person believes to be secure from a child.**".

Page 1, line 9, delete "." and insert "**, that is burglary (as defined in IC 35-43-2-1), residential entry (as defined in IC 35-43-2-1.5), or trespass (as defined in IC 35-43-2-2), if committed by an adult.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1138 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1170, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 17, nays 4.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1178, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, after "information" insert "**, specified for each campus of the state educational institution,**".

(Reference is to HB 1178 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1195, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-50.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 50.1. **"Voter identification number" refers to any of the following numbers chosen by a voter:**

(1) The last four (4) digits of the voter's Social Security number.

(2) The voter's driver's license number issued under IC 9-24-11.

(3) The voter's identification card number issued under IC 9-24-16.".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 3-7-26-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The circuit court clerk or board of registration shall provide the following information in a format prescribed by the commission for each voter who is registered in the county:

(1) Name.

(2) Address, in the form of:

(A) a physical address, in a city or town where a street address is insufficient to provide United States Postal Service delivery; and

(B) a mailing address, as recognized by the local United States Postal Service office, including city or town, state, and zip code;

in separate data fields, according to commission formatting standards.

(3) Date of birth.

(4) Township.

(5) Ward, if applicable.

(6) Precinct.

(7) State senate district and house of representatives district.

(8) Congressional district.

(9) Gender.

(10) Telephone number, if available.

(11) Voting history for the previous ten (10) year period if available.

(12) A unique field established for each registered voter, so that future submissions may be linked and cross-referenced with previous data submitted by the county.

(13) Date of registration.

(14) Voter identification number.".

Page 2, line 17, delete "require the applicant to provide the last four".

Page 2, line 18, delete "digits of the applicant's".

Page 2, line 18, strike "Social Security".

Page 2, line 18, after "Security" insert "**require the applicant to provide the applicant's voter identification**".

Page 5, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 10. IC 3-10-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(3) The name of the voter's party.

(b) **The poll clerks shall:**

(1) request the voter to provide the voter's voter identification number;

(2) inform the voter what numbers the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

SECTION 11. IC 3-10-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(b) Except for unused ballots disposed of under IC 3-11-3-31, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months, as required by 42 U.S.C. 1974, after which they may be destroyed unless:

(1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or

(2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(c) Upon delivery of the poll lists, the circuit court clerk or board of registration may unseal the envelopes containing the poll lists. For the purposes of:

(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; or

(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;

the clerk or board may inspect the poll lists and update the registration record of the county. **The clerk or board shall use the poll lists to update the registration record to include the voter's voter identification number if the voter identification number is not already included in the registration record.** Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (b).

(d) After the expiration of the period described in subsection (b), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 12. IC 3-11-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) At the extreme top of a poll list sheet the heading "VOTERS POLL LIST" should appear, followed by the following information:

(1) The type of election.

(2) The date of the election.

(3) The name of the precinct, township (or ward), and county.

(b) Following the information required in subsection (a), the following headings should appear from left to right on each sheet:

(1) "Signature of Voter".

(2) "Address of Voter".

(3) **"Voter Identification Number (Optional)".**

(4) "If any voter shows his or her ballot after being marked, or by accident mutilates or defaces his or her ballot, note it in this column. Also note any other irregularity in this column.".

SECTION 13. IC 3-11-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to ~~sign~~ **write the following** on the poll list:

(1) The voter's name. ~~and~~

(2) The voter's current **residence** address. ~~of residence.~~

(b) **The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:**

(1) request the voter to provide the voter's voter identification number;

(2) inform the voter what numbers the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

(1) furnished with a list certified under IC 3-7-29; and

(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(c)~~ **(d)** If, in a precinct governed by subsection ~~(b)~~: **(c):**

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

SECTION 14. IC 3-11-8-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 26. **(a)** If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity **under subsection (a),** one (1) of the poll clerks shall then place **the following** on the poll list:

(1) The **voter's** name. ~~of the voter and~~

(2) The voter's current **residence** address. ~~of residence.~~

(c) The poll clerks shall:

(1) request the voter to provide the voter's voter identification number;

(2) inform the voter what numbers the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.".

Page 6, line 15, delete "forty-five (45)" and insert "**seventy-four (74)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1195 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-29-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 14. (a) In order to be eligible for payment under this chapter, a liability of a political subdivision must arise out of a claim based upon an act or omission that takes place while the political subdivision is a member of the fund.

(b) The maximum amount payable from the fund for any liability, whether or not it is covered under IC 34-13-3 (or IC 34-4-16.5 before its repeal), is:

(1) ~~three~~ **seven** hundred thousand dollars ~~($300,000)~~ **($700,000)** for injury, death, or damage suffered by any one (1) person as a result of the act or omission from which the liability arises; and

(2) one million dollars ($1,000,000) for all injury, death, or damage suffered by all persons as a result of the act or omission from which the liability arises.

(c) No amount may be paid from the fund in respect of punitive damages paid by or assessed against a member of the fund.

(d) No amount may be paid from the fund in the case of a liability based upon bodily injury or property damage arising out of the discharge, dispersal, release, or escape of smoke, vapors, soot, fumes,

acids, alkalis, toxic chemicals, liquids, gases, waste materials, or other irritants, contaminants, or pollutants into or upon land, the atmosphere, or any watercourse or body of water unless the discharge, dispersal, release, or escape:

(1) is caused by an act or omission of a political subdivision that is a member of the fund; and

(2) occurs as a result of:

(A) a household hazardous waste; or

(B) a conditionally exempt small quantity generator (as described in 40 CFR 261.5(a);

collection, disposal, or recycling project conducted by or controlled by the political subdivision.

(e) The commissioner may pay a liability of a member of the fund in a series of annual payments. The amount of any annual payment under this subsection must be one hundred thousand dollars ($100,000) or more, except for the final payment in a series of payments.

(f) The commission may negotiate a structured settlement of any claim.

(g) As used in this section, "household hazardous waste" means solid waste generated by households that consists of or contains a material that is:

(1) ignitable, as described in 40 CFR 261.21;

(2) corrosive, as described in 40 CFR 261.22;

(3) reactive, as described in 40 CFR 261.23; or

(4) toxic, as described in 40 CFR 261.24.".

Page 1, line 6, delete "one million two" and insert "**seven**".

Page 1, line 6, delete "fifty".

Page 1, line 7, delete "($1,250,000)" and insert "**($700,000)**".

Page 1, line 8, reset in roman "five".

Page 1, line 8, delete "ten".

Page 1, line 8, reset in roman "($5,000,000)".

Page 1, line 9, delete "($10,000,000)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1248 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "not more than".

Page 1, line 16, delete "to fund a study to determine the needs of" and insert "**annually to the department for rail planning activities. Money distributed under this subdivision does not revert back to the state general fund at the end of a state fiscal year.**".

Page 1, delete line 17.

(Reference is to HB 1344 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1351, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1510, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-50.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 50.1. **"Voter identification number" refers to any of the following numbers chosen by a voter:**

(1) The last four (4) digits of the voter's Social Security number.

(2) The voter's driver's license number issued under IC 9-24-11.

(3) The voter's identification card number issued under IC 9-24-16.

SECTION 2. IC 3-7-26-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. The circuit court clerk or board of registration shall provide the following information in a format prescribed by the commission for each voter who is registered in the county:

(1) Name.

(2) Address, in the form of:

(A) a physical address, in a city or town where a street address is insufficient to provide United States Postal Service delivery; and

(B) a mailing address, as recognized by the local United States Postal Service office, including city or town, state, and zip code;

in separate data fields, according to commission formatting standards.

(3) Date of birth.

(4) Township.

(5) Ward, if applicable.

(6) Precinct.

(7) State senate district and house of representatives district.

(8) Congressional district.

(9) Gender.

(10) Telephone number, if available.

(11) Voting history for the previous ten (10) year period if available.

(12) A unique field established for each registered voter, so that future submissions may be linked and cross-referenced with previous data submitted by the county.

(13) Date of registration.

(14) Voter identification number.

SECTION 3. IC 3-7-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** The commission shall prescribe the forms required or permitted under NVRA or this article.

(b) The election division shall make the forms available on the website maintained by the election division. A form must be made available so that an individual can download the form for completion.".

Delete pages 2 through 10.

Page 11, delete lines 1 through 21.

Page 11, line 30, delete "require the applicant to provide the last four (4)"

Page 11, line 31, delete "digits of the applicant's".

Page 11, line 31, strike "Social Security".

Page 11, line 31, after "Security" insert "**require the applicant to provide the applicant's voter identification**".

Page 11, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 4. IC 3-7-45-2 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Not later than:

(1) January 31;

(2) April 30;

(3) July 31; and

(4) October 31;

of each year the state department of health ~~each county health officer, and each municipal health officer~~ shall submit a report to the ~~circuit court clerk or board of registration of the county.~~ **election division electronically in a format prescribed by the commission.**

(b) The state department of health shall report to ~~each~~ **the election division, by** county, the names, ages, and known residence addresses of all persons who:

(1) died within Indiana but outside of the county during the preceding three (3) months; and

(2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report **to the state department of health** the names, ages, and known voting addresses in the county of all persons:

(1) who have died within the jurisdiction of the officer; or

(2) for whom burial permits have been issued by the officer;

during the previous three (3) months. **The state department of health shall report this information to the election division.**

(d) The state department of health shall report to ~~each~~ **the election division, by** county, the names, ages, and known residence addresses of all persons:

(1) who died outside Indiana during the preceding three (3) months;

(2) who maintained a residence address within the county during the two (2) years preceding the date of death; and

(3) whose name was supplied to the state department of health under an agreement made under section 5 of this chapter.

SECTION 5. IC 3-7-45-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8. The NVRA official shall notify the circuit court clerk or board of registration of each respective county of the names of deceased persons obtained under this chapter.**

SECTION 6. IC 3-7-46-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. **(a)** Not later than the second Tuesday of each month, the department of correction shall provide the NVRA official with a list identifying each person who:

(1) is a resident of Indiana;

(2) has been convicted of a crime; and

(3) has been placed in a department of correction facility during the previous month.

(b) The department of correction shall provide the information required by this section electronically in a format prescribed by the commission.

SECTION 7. IC 3-10-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(3) The name of the voter's party.

(b) **The poll clerks shall:**

(1) request the voter to provide the voter's voter identification number;

(2) inform the voter what numbers the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

SECTION 8. IC 3-10-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(b) Except for unused ballots disposed of under IC 3-11-3-31, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months, as required by 42 U.S.C. 1974, after which they may be destroyed unless:

(1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or

(2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(c) Upon delivery of the poll lists, the circuit court clerk or board of registration may unseal the envelopes containing the poll lists. For the purposes of:

(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; or

(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;

the clerk or board may inspect the poll lists and update the registration record of the county. **The clerk or board shall use the poll lists to update the registration record to include the voter's voter identification number if the voter identification number is not already included in the registration record.** Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (b).

(d) After the expiration of the period described in subsection (b), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 9. IC 3-11-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) At the extreme top of a poll list sheet the heading "VOTERS POLL LIST" should appear, followed by the following information:

(1) The type of election.

(2) The date of the election.

(3) The name of the precinct, township (or ward), and county.

(b) Following the information required in subsection (a), the following headings should appear from left to right on each sheet:

(1) "Signature of Voter".

(2) "Address of Voter".

(3) **"Voter Identification Number (Optional)".**

(4) "If any voter shows his or her ballot after being marked, or by accident mutilates or defaces his or her ballot, note it in this column. Also note any other irregularity in this column.".

SECTION 10. IC 3-11-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to ~~sign~~ **write the following** on the poll list:

(1) The voter's name. ~~and~~

(2) The voter's current **residence** address. ~~of residence.~~

(b) **The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:**

(1) request the voter to provide the voter's voter identification number;

(2) inform the voter what numbers the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

(1) furnished with a list certified under IC 3-7-29; and

(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk

doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(c)~~ **(d)** If, in a precinct governed by subsection ~~(b)~~**: (c):**

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

SECTION 11. IC 3-11-8-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 26. **(a)** If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity **under subsection (a),** one (1) of the poll clerks shall then place **the following** on the poll list:

(1) The **voter's** name. ~~of the voter and~~

(2) The voter's current **residence** address. ~~of residence.~~

(c) The poll clerks shall:

(1) request the voter to provide the voter's voter identification number;

(2) inform the voter what numbers the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

SECTION 12. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 3-7-22-7; IC 3-7-31-6.".

Delete pages 12 through 22.

Renumber all SECTIONS consecutively.

(Reference is to HB 1510 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1589, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report of the Committee on Elections and Apportionment adopted February 1, 2000.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on which votes are recorded by the process of punching or marking.~~ **refers to either a punch card ballot or an optical scan ballot.**

SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. "Ballot card voting system" refers to either a punch card voting system or an optical scan voting system.**

SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.8. "Optical scan ballot" means a card or another paper on which votes are:**

(1) recorded by marking the card or paper in ink or pencil; and

(2) tabulated by an optical system that reads the marks on the card or paper.

SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 33.9. "Optical scan voting system" means a voting system using optical scan ballots.**

SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.5. "Punch card ballot" means a card on which votes are recorded by punching holes in the card.**

SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 41.6. "Punch card ballot system" means a voting system using punch card ballots.**

SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) If a ballot card voting system is used in a precinct, after a voter has marked a ballot card the voter shall place it inside the envelope provided for this purpose and return it to the judge.

(b) The judge shall remove the stub from the ballot card. This subsection does not apply to an optical scan ~~ballot card~~ voting system.

(c) The judge shall then offer to return the envelope with the ballot card inside to the voter. The voter shall:

(1) accept the envelope and deposit it with the ballot card inside into the ballot box; or

(2) decline the envelope and require the judge to deposit it in the ballot box.

(d) The voter then shall leave the polls.".

Page 1, delete lines 10 through 11, begin a new paragraph and insert:

"**(b) The fund consists of the following:**

(1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.

(2) All money allocated to the state by the federal government for improvement of voting systems.

(3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.

The auditor of state shall establish an account within the fund for money appropriated by the general assembly and a separate account within the fund for any money received by the state from the federal government.".

Page 2, line 6, delete "commission" and insert "**budget agency**".

Page 2, line 7, delete "commission." and insert "**budget agency not later than June 1, 2003.**".

Page 2, line 8, delete "commission" and insert "**budget agency, after review by the budget committee,**".

Page 2, line 8, delete "commission" and insert "**budget agency**".

Page 2, line 10, delete "commission" and insert "**budget agency**".

Page 2, line 22, after "5." insert "**(a)**".

Page 2, line 22, delete "the commission approves".

Page 2, line 22, after "application" insert "**is approved**".

Page 2, line 23, after "shall" insert "**, subject to subsection (b) and section 6 of this chapter,**".

Page 2, line 24, delete "twenty-five percent (25%)" and insert "**fifty percent (50%)**".

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"**(b) This section expires January 1, 2005.**

Sec. 6. (a) Subject to requirements of federal law under which money is allocated to the state, the division shall pay an additional reimbursement to a county that is eligible for reimbursement under this chapter from the federal money an amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of federal money received by the state.

STEP TWO: Determine the number of precincts in the county on July 1, 2001.

STEP THREE: Determine the total number, as of July 1, 2001, of precincts in all counties that are eligible for reimbursement under this chapter.

STEP FOUR: Divide the number determined in STEP TWO by the number determined in STEP THREE.

STEP FIVE: Multiply the number determined in STEP FOUR by the number determined in STEP ONE.

(b) It is the intent of the general assembly that a county eligible for reimbursement under this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law. Notwithstanding subsection (a), if federal money remains

in the fund after the formula in subsection (a) is applied, the remaining federal money shall be distributed to any counties that have not received the maximum amount of federal money permitted by federal law. Money distributed under this subsection shall be distributed based on the ratio that the number of precincts in the county to be reimbursed under this subsection bears to the total number of precincts in all counties to be reimbursed under this subsection, to the extent permitted by federal law.

(c) If federal money remains in the fund after subsection (b) is applied, the remaining federal money reverts to the fund from which state money was appropriated, to the extent permitted by federal law.".

Page 2, line 27, delete "6." and insert "**7.**".

Page 2, line 29, delete "7." and insert "**8.**".

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** The commission must approve a ballot card voting system before it may be used in an election.

(b) After June 30, 2001, the commission may not approve a punch card voting system for use in an election.

(c) After December 31, 2003, a punch card voting system may not be used in an election.

SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card voting system is used, a county election board shall:

(1) have the marking devices prepared for the election;

(2) have the marking devices put in order, set and adjusted, and made ready for voting when delivered to the precincts; and

(3) provide the precinct election officers with marking devices, a demonstration marking device (except in precincts using optical scan ~~ballot cards),~~ **ballots),** ballot cards, ballot boxes, ballot labels, and other records and supplies as required.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) Each county election board shall have each ballot card voting system, along with all necessary furniture and appliances that go with the system at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the systems if requested to do so by the county election board.

SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

(1) The name of the political subdivision holding the election.

(2) The designation of the election.

(3) The date of the election.

(4) The instructions to the voters.

(5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

(1) designed to be folded; or

(2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical scan ~~ballot card~~ voting system.

(b) Each county election board shall maintain a record of the serial numbers of all of the ballot cards provided to a precinct and shall note in this record the precinct to which each ballot card relates.

SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply to an optical scan ~~ballot card~~ voting system. After a voter has signed the poll list, the poll clerk holding the ballot card shall remove the top stub, as described in section 18 of this chapter, and deliver to the voter one (1) of each ballot card that the voter is entitled to vote at the election. The top stub (and any second stub declined by the voter under section 33 of this chapter) shall be retained by the precinct election board and returned to the election board following the close of the polls.

(c) As each successive voter calls for a ballot, the poll clerks shall deliver to the voter the first initialed ballot of each type. The inspector shall then deliver to the poll clerks another ballot of each type, which the clerks shall initial as before.

SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the voter shall place it inside the envelope provided for this purpose or fold the envelope described in section 18(c)(1) of this chapter and return the ballot card to the judge.

(b) This subsection does not apply to an optical scan ballot ~~card~~ or to a ballot card with a fold-over envelope. The judge shall remove the second stub, as described in section 18 of this chapter, from the envelope and offer the second stub to the voter.

(c) The judge shall offer to return the envelope with the ballot card inside to the voter. The voter shall:

(1) accept the envelope and deposit it in the ballot box; or

(2) decline the envelope and require the judge to deposit it in the ballot box.

(d) If a voter offers to vote a ballot card that is not inside the envelope provided for this purpose or with the envelope not folded if the ballot is described in section 18(c)(1) of this chapter, the precinct election board shall direct the voter to return to the booth and place the ballot card in the envelope provided for this purpose or fold the envelope.

(e) After a voter's ballot cards have been deposited in the ballot box, the poll clerks shall make a voting mark after the voter's name on the poll list.

(f) After voting, a voter shall leave the polls. However, a voter to whom ballot cards and a marking device have been delivered may not leave the polls without voting the ballot cards or returning them to the poll clerk from whom the voter received them.

SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or marks it erroneously, the voter shall return the card so as not to disclose any choices that the voter has made.

(b) This subsection does not apply to an optical scan ballot. ~~card.~~ A voter returning a ballot must comply with subsection (a) by folding the stub on the ballot card.

(c) After complying with subsection (b), the voter then may receive another ballot card. Upon receipt of a defective ballot card, the precinct election board shall:

(1) immediately cancel the defective card by writing on the back of the card and stub the word "VOID" in ink or in indelible pencil; and

(2) without detaching any stub attached to the card, place the card in the container for voided ballots in a manner that does not expose the choices of the voter.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1589 as introduced and as amended by the committee report of the Committee on Elections and Apportionment adopted February 1, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1599, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "sixty-five" and insert "**sixty**".

Page 2, line 9, delete "($65);" and insert "**($60);**".

Page 2, delete lines 13 through 17.

Page 4, line 25, delete "sixty-five" and insert "**sixty**".

Page 4, line 25, delete "($65)" and insert "**($60)**".

Page 4, line 31, delete "The division shall annually adjust the amount of".

Page 4, delete lines 32 through 34.

Page 4, line 35, delete "States Department of Labor.".

Page 6, line 10, delete "(a)".

Page 6, line 10, delete "Sixty-five" and insert "**Sixty**".

Page 6, line 10, delete "($65)" and insert "**($60)**".

Page 6, delete lines 12 through 16.

Page 6, line 33, delete "(a)".

Page 6, line 36, delete "sixty-five" and insert "**sixty**".

Page 6, line 36, delete "($65)" and insert "**($60)**".

Page 6, delete lines 38 through 42.

(Reference is to HB 1599 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 25, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1667, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public employees.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-3.5-5-3, AS AMENDED BY P.L.118-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The PERF board shall establish alternative investment programs within the fund, based on the following requirements:

(1) The PERF board shall maintain at least one (1) alternative investment program that is an indexed stock fund and one (1) alternative investment program that is a bond fund.

(2) The programs should represent a variety of investment objectives.

(3) The programs may not permit a member to withdraw money from the member's account, except as provided in section 6 of this chapter.

(4) All administrative costs of each alternative program shall be paid from the earnings on that program.

(5) A valuation of each member's account must be completed as of the last day of each quarter.

(b) A member shall direct the allocation of the amount credited to the member among the available alternative investment funds, subject to the following conditions:

(1) A member may make a selection or change an existing selection at any time, but not more than ~~one (1) time~~ **four (4) times** in a twelve (12) month period.

(2) The PERF board shall implement the member's selection beginning the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the PERF board. This date is the effective date of the member's selection.

(3) A member may select any combination of the available investment funds, in ten percent (10%) increments.

(4) A member's selection remains in effect until a new selection is made.

(5) On the effective date of a member's selection, the board shall reallocate the member's existing balance or balances in accordance with the member's direction, based on the market value on the effective date.

(6) If a member does not make an investment selection of the alternative investment programs, the member's account shall be invested in the PERF board's general investment fund.

(7) All contributions to the member's account shall be allocated as of the last day of the quarter in which the contributions are received in accordance with the member's most recent effective direction. The PERF board shall not reallocate the member's account at any other time.

(c) When a member transfers the amount credited to the member from one (1) alternative investment program to another alternative investment program, the amount credited to the member shall be valued at the market value of the member's investment, as of the day before the effective date of the member's selection. When a member retires, becomes disabled, dies, or withdraws from the fund, the amount credited to the member shall be the market value of the member's investment as of the last day of the quarter preceding the member's distribution or annuitization at retirement, disability, death, or withdrawal, plus contributions received after that date.

(d) The PERF board shall determine the value of each alternative program in the defined contribution fund, as of the last day of each calendar quarter, as follows:

(1) The market value shall exclude the employer contributions and employee contributions received during the quarter ending on the current allocation date.

(2) The market value as of the immediately preceding quarter end date shall include the employer contributions and employee contributions received during that preceding quarter.

(3) The market value as of the immediately preceding quarter end date shall exclude benefits paid from the fund during the quarter ending on the current quarter end date.

SECTION 2. IC 2-3.5-5-6, AS AMENDED BY P.L.205-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) A participant who terminates service as a member of the general assembly is entitled to withdraw both the participant's employee contribution account and employer contribution account from the defined contribution fund. The withdrawal shall be made on the later of the first day of the month following termination of service or thirty (30) days after the board receives a request for withdrawal from the fund. The amount available for the withdrawal shall be the fair market value of the participant's accounts on ~~the June 30 preceding~~ the date of withdrawal plus employee contributions deducted since the June 30 preceding the date of withdrawal.

(b) The withdrawal amount shall be paid in a lump sum, a monthly annuity as purchased by the PERF board with the withdrawal amount, or a series of monthly installment payments over sixty (60), one hundred twenty (120), or one hundred eighty (180) months, as elected by the participant. The forms of annuity and installments shall be established by the PERF board by rule, in consultation with the system's actuary.

SECTION 3. IC 2-3.5-5-7, AS AMENDED BY P.L.205-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) This section applies to a participant who dies while a member of the general assembly, or who dies after terminating service as a member of the general assembly and prior to withdrawing the participant's account from the defined contribution fund. The participant's employee contribution account and the participant's employer contribution account shall be paid to a beneficiary or the beneficiaries designated on a form prescribed by the board. The amount paid shall be the fair market value of the participant's accounts on ~~the June 30 preceding~~ the date of payment,

plus employee contributions deducted since the June 30 preceding the date of payment. If there is no properly designated beneficiary, or if no beneficiary survives the participant, the participant's accounts shall be paid to:

(1) the surviving spouse of the participant;

(2) if there is no surviving spouse, a surviving dependent or the surviving dependents of the participant; or

(3) if there is no surviving spouse and no surviving dependent, the estate of the participant.

(b) Amounts payable under this section shall be paid in a lump sum, a monthly annuity as purchased by the PERF board with the withdrawal amount, or a series of monthly installment payments over sixty (60) months, as elected by the recipient. The forms of annuity and installments available shall be established by the PERF board by rule, in consultation with the system's actuary.

SECTION 4. IC 5-10-8-1, AS AMENDED BY P.L.50-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following definitions apply in this chapter:

(1) "Employee" means:

(A) an elected or appointed officer or official, or a full-time employee;

(B) if the individual is employed by a school corporation, a full-time or part-time employee;

(C) for a local unit public employer, a full-time or part-time employee or a person who provides personal services to the unit under contract during the contract period; or

(D) a senior judge appointed under IC 33-2-1-8;

whose services have continued without interruption at least thirty (30) days.

(2) "Group insurance" means any of the kinds of insurance fulfilling the definitions and requirements of group insurance contained in IC 27-1.

(3) "Insurance" means insurance upon or in relation to human life in all its forms, including life insurance, health insurance, disability insurance, accident insurance, hospitalization insurance, surgery insurance, medical insurance, and supplemental medical insurance.

(4) "Local unit" includes a city, town, county, township, public library, or school corporation.

(5) "New traditional plan" means a self-insurance program established under section 7(b) of this chapter to provide health care coverage.

(6) "Public employer" means the state or a local unit, including any board, commission, department, division, authority, institution, establishment, facility, or governmental unit under the supervision of either, having a payroll in relation to persons it immediately employs, even if it is not a separate taxing unit. **With respect to the legislative branch of state government, "public employer" or "employer" refers to the following:**

(A) The principal secretary of the senate, with respect to former members or employees of the senate.

(B) The principal clerk of the house, with respect to former members or employees of the house of representatives.

(C) The legislative council, with respect to former employees of the legislative services agency.

(7) "Public employer" does not include a state educational institution (as defined under IC 20-12-0.5-1).

(8) "Retired employee" means:

(A) in the case of a public employer that participates in the public employees' retirement fund, a former employee who qualifies for a benefit under IC 5-10.3-8 **or IC 5-10.2-4;**

(B) in the case of a public employer that participates in the teachers' retirement fund under IC 21-6.1, a former employee who qualifies for a benefit under IC 21-6.1-5; and

(C) in the case of any other public employer, a former employee who meets the requirements established by the public employer for participation in a group insurance plan for retired employees.

(9) "Retirement date" means the date that the employee has chosen to receive retirement benefits from the employees' retirement fund.

SECTION 5. IC 5-10-8-8, AS AMENDED BY P.L.233-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) This section applies only to the state and its employees who are not covered by a plan established under section 6 of this chapter.

(b) After June 30, 1986, the state shall provide a group health insurance plan to each retired employee:

(1) whose retirement date is:

(A) after June 29, 1986, for a retired employee who was a member of the field examiners' retirement fund;

(B) after May 31, 1986, for a retired employee who was a member of the Indiana state teachers' retirement fund; or

(C) after June 30, 1986, for a retired employee not covered by clause (A) or (B);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

(3) who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement; and

(4) who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date.

(c) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired judge;

(2) whose retirement date is after June 30, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least eight (8) years of service credit as a participant in the Indiana judges' retirement fund, with at least eight (8) years of that service credit completed immediately preceding the judge's retirement.

(d) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired participant under the prosecuting attorneys retirement fund;

(2) whose retirement date is after January 1, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least ten (10) years of service credit as a participant in the prosecuting attorneys retirement fund, with at least ten (10) years of that service credit completed immediately preceding the participant's retirement.

(e) The state shall make available a group health insurance program to each former member of the general assembly or surviving spouse of each former member, if the former member:

(1) is no longer a member of the general assembly;

(2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395, et. seq.; and

(3) has at least ten (10) years of service credit as a member in the general assembly.

A former member or surviving spouse of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage.

(f) The group health insurance program required under subsections (b) through (e) must be equal to that offered active employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. However, the employer may elect to pay any part of the retired employee's premium **with respect to group health insurance coverage under sections 7, 8,**

8.1, and 8.2 of this chapter.

(g) **Except as provided in subsection (j),** a retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-6.1-6-1(c). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

(j) An employer may elect to permit former employees and their spouses, including surviving spouses, to continue to participate in a group health insurance program under this chapter after the former employee (who is otherwise qualified under sections 7, 8, 8.1, or 8.2 of this chapter to participate in a group health insurance program) or spouse has become eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. An employer who makes an election under this subsection may require a person who continues coverage under this subsection to participate in a retiree health benefit plan developed under section 8.3 of this chapter.

SECTION 6. IC 5-10-8-8.1, AS AMENDED BY P.L.233-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.1. (a) This section applies only to the state and former legislators. ~~instead of section 8 of this chapter.~~

(b) As used in this section, "legislator" means a member of the general assembly.

(c) After June 30, 1988, the state shall provide to each retired legislator:

(1) whose retirement date is after June 30, 1988;

(2) who is not participating in a group health insurance coverage plan:

(A) including Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; but

(B) not including a group health insurance plan provided by the state or a health insurance plan provided under IC 27-8-10;

(3) who served as a legislator for at least ten (10) years; and

(4) who participated in a group health insurance plan provided by the state on the legislator's retirement date;

a group health insurance program that is equal to that offered active employees.

(d) A retired legislator who qualifies under subsection (c) may participate in the group health insurance program if the retired legislator:

(1) pays an amount equal to the employer's and employee's premium for the group health insurance for an active employee; and

(2) within ninety (90) days after the legislator's retirement date files a written request for insurance coverage with the employer.

(e) **Except as provided in section 8(j) of this chapter,** a retired legislator's eligibility to continue insurance under this section ends when the member becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program.

(f) A retired legislator who is eligible for insurance coverage under this section may elect to have the legislator's spouse covered under the health insurance program at the time the legislator retires. If a retired legislator's spouse pays the amount the retired legislator would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired legislator and is not affected by the retired legislator's eligibility for Medicare. **Except as provided in section 8(j) of this chapter,** the spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) The date of the spouse's remarriage.

(g) The surviving spouse of a legislator who dies or has died in office may elect to participate in the group health insurance program if all of the following apply:

(1) The deceased legislator would have been eligible to participate in the group health insurance program under this section had the legislator retired on the day of the legislator's death.

(2) The surviving spouse files a written request for insurance coverage with the employer.

(3) The surviving spouse pays an amount equal to the employer's and employee's premium for the group health insurance for an active employee.

(h) **Except as provided in section 8(j) of this chapter,** the eligibility of the surviving spouse of a legislator to purchase group health insurance under subsection (g) ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date of the spouse's remarriage.

(3) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

SECTION 7. IC 5-10-8-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8.2. (a) As used in this section, "former legislator" means a former member of the general assembly.**

(b) As used in this section, "dependent" means an unmarried person who:

(1) is:

(A) a dependent child, stepchild, foster child, or adopted child of a former legislator or spouse of a former legislator; or

(B) a child who resides in the home of a former legislator or spouse of a former legislator who has been appointed legal guardian for the child; and

(2) is:

(A) less than twenty-three (23) years of age;

(B) at least twenty-three (23) years of age, incapable of self-sustaining employment by reason of mental or physical disability, and is chiefly dependent on a former legislator or spouse of a former legislator for support and maintenance; or

(C) at least twenty-three (23) years of age and less than twenty-five (25) years of age and is enrolled in and is a full-time student at an accredited college or university.

(c) As used in this section, "spouse" means a person who is or was married to a former legislator.

(d) After June 30, 2001, the state shall provide to a former legislator:

(1) whose last day of service as a member of the general assembly was after December 31, 2000;

(2) who served in all or part of at least four (4) terms of the general assembly (as defined in IC 2-2.1-1-1);

(3) who pays an amount equal to the employee's and employer's premium for the group health insurance for an active

employee; and

(4) who files a written request for insurance coverage with the employer within ninety (90) days after the former legislator's:

(A) last day of service as a member of the general assembly; or

(B) retirement date;

a group health insurance program that is equal to that offered to active employees.

(e) Except as provided by section 8(j) of this chapter, the eligibility of a former legislator to continue insurance under this section ends when the former legislator becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or when the employer terminates the health insurance program.

(f) A former legislator who is eligible for insurance coverage under this section may elect to have a spouse or dependent of the former legislator covered under the health insurance program. A former legislator who makes an election under this subsection must pay the employee's and employer's premium for the group health insurance program for an active employee that is attributable to the inclusion of a spouse or dependent.

(g) A spouse or dependent may continue insurance under this section after the death of the former legislator if the spouse or dependent pays the amount the former legislator would have been required to pay for coverage selected by the spouse or dependent.

(h) Except as provided under section 8(j) of this chapter, the eligibility of a spouse to continue insurance under this section ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date of the legislative spouse's remarriage.

(3) When the required amount for coverage is not paid with respect to the spouse.

(4) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(i) The eligibility of a dependent to continue insurance under this section ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date the dependent no longer meets the definition of a dependent.

(3) When the required amount for coverage is not paid with respect to the dependent.

(j) The spouse of a deceased former legislator may elect to participate in the group health insurance program under this section if all of the following apply:

(1) The deceased legislator:

(A) died after December 31, 2000, while serving as a member of the general assembly; and

(B) served in all or part of at least four (4) terms of the general assembly (as defined in IC 2-2.1-1-1).

(2) The surviving spouse files a written request for insurance coverage with the employer.

(3) The surviving spouse pays the amount the former legislator wouldhave been required to pay for the group health insurance for an active employee, including any amount with respect to covered dependents of the former legislator.

(k) Except as provided under section 8(j) of this chapter, the eligibility of the surviving spouse under subsection (j) ends on the earliest of the following:

(1) When the employer terminates the health insurance program.

(2) The date of the spouse's remarriage.

(3) When the required amount for coverage is not paid with respect to the spouse and any covered dependent.

(4) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

SECTION 8. IC 5-10-8-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8.3. (a) As used in this section, "department" refers to the state personnel department.**

(b) The department shall establish, or contract for the establishment of, at least two (2) retiree health benefit plans to be available for former employees of:

(1) the state; and

(2) the legislative branch of government;

whose employer elects under section 8(j) of this chapter to permit its former employees to participate in a health insurance program under this chapter after the employees have become eligible for Medicare coverage. At least one (1) of the plans offered to former employees must include coverage for prescription drugs comparable to a Medicare plan that provides prescription drug benefits.

(Reference is to HB 1667 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1767, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 25, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1797, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. Transactions involving tangible personal property are exempt from the state gross retail tax, if:

(1) the property is:

(A) classified as central office equipment, station equipment or apparatus, station connection, wiring, or large private branch exchanges according to the uniform system of accounts which was adopted and prescribed for the utility by the Indiana utility regulatory commission; or

(B) mobile telecommunications switching office equipment, radio or microwave transmitting or receiving equipment, including, without limitation, towers, antennae, and property that perform a function similar to the function performed by any of the property described in clause (A); and

(2) the person acquiring the property furnishes or sells intrastate telecommunication service in a retail transaction described in IC 6-2.5-4-6, **regardless of whether the property is used exclusively in the furnishing or sale of an interstate telecommunication service in a retail transaction described in IC 6-2.5-4-6.**

(Reference is to HB 1797 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1806, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-38-2.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. As used in this chapter "security risk" means a person who is:**

(1) a flight risk; or

(2) a threat to the physical safety of the public.

SECTION 2. IC 35-38-2.5-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec 4.7. As used in this chapter "violent offender" means a person who is:**

(1) convicted of an offense or attempted offense, except for an offense under IC 35-42-4 or IC 35-46-1-3, under IC 35-50-1-2(a);

(2) charged with an offense or attempted offense listed in IC 35-50-1-2(a); or

(3) a security risk as determined under section 10 of this chapter.

SECTION 3. IC 35-38-2.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. **(a) Each probation department or community corrections department shall establish written criteria and procedures for determining whether an offender or alleged offender that the department supervises on home detention qualifies as a violent offender.**

(b) A probation or community corrections department shall use the criteria and procedures established under subsection (a) to establish a record keeping system that allows the department to quickly determine whether an offender or alleged offender who violates the terms of a home detention order is a violent offender.

(c) A probation department or a community corrections program charged by a court with supervision of offenders **and alleged offenders** ordered to undergo home detention shall provide all law enforcement agencies having jurisdiction in the place where the probation department or a community corrections program is located with a list of offenders **and alleged offenders** under home detention supervised by the probation department or the community corrections program. The list must include the following information about each offender **and alleged offender:**

(1) The offender's name, any known aliases, and the location of the offender's home detention.

(2) The crime for which the offender was convicted.

(3) The date the offender's home detention expires.

(4) The name, address, and telephone number of the offender's supervising probation or community corrections program officer for home detention.

(5) An indication of whether the offender or alleged offender is a violent offender.

(d) Except as provided under section 6(1) of this chapter, a probation department or community corrections program charged by a court with supervision of offenders and alleged offenders ordered to undergo home detention shall, at the beginning of a period of home detention, set the monitoring device and surveillance equipment to ensure that the offender or alleged offender may not enter another residence or structure without a violation.".

Page 1, line 3, after "Sec.12." insert "**(a)**".

Page 1, line 5, delete "an" and insert "**a violent**".

Page 1, line 8, after "the" insert "**violent**".

Page 1, after line 9, begin a new paragraph and insert:

"**(b) A probation department or community corrections program charged by a court with supervision of a violent offender placed on home detention under this chapter shall maintain constant supervision of the violent offender using a monitoring device and surveillance equipment. The supervising entity may do this by:**

(1) using the supervising entity's equipment and personnel; or

(2) contracting with an outside entity.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1806 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1846, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1849, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 13, after "attend" insert "**, except for chronic illness,**".

Page 4, line 16, after "(5)" insert "**A member moves from the school district in which the member was elected.**

(6)".

(Reference is to HB 1849 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1887, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 2.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1891, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 20-6.1-6-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. If:**

(1) a teacher is unable to attend school because an emergency has been declared by the civil authorities in the county in which the teacher resides; and

(2) the school corporation receives verification that an emergency was declared;

the teacher shall receive contingency leave with pay for the period that the teacher was unable to attend school.".

Page 19, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 15. IC 34-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A judgment rendered with respect to or a settlement made by a governmental entity bars an action by the claimant against an employee whose conduct gave rise to the claim resulting in that judgment or settlement. A lawsuit alleging that an employee acted within the scope of the employee's employment must be exclusive to the complaint and bars an action by the claimant against the employee personally. However, if the governmental entity answers that the employee acted outside the scope of the employee's employment, the plaintiff may amend the complaint and sue the employee personally. An amendment to the complaint by the plaintiff under this subsection must be filed not later than one hundred eighty (180) days from the date the answer was filed and may be filed notwithstanding the fact that the statute of limitations has run.

(b) A lawsuit filed against an employee personally must allege that an act or omission of the employee that causes a loss is:

(1) criminal;

(2) clearly outside the scope of the employee's employment;

(3) malicious;

(4) willful and wanton; or

(5) calculated to benefit the employee personally.

The complaint must contain a reasonable factual basis supporting the allegations.

(c) **Except as provided in subsection (d), and** subject to the provisions of sections 4, 14, 15, and 16 of this chapter, the governmental entity shall pay any judgment, compromise, or settlement of a claim or suit against an employee when:

(1) the act or omission causing the loss is within the scope of the employee's employment, regardless of whether the employee can or cannot be held personally liable for the loss; and

(2) the:

(A) governor in the case of a claim or suit against a state employee; or

(B) governing body of the political subdivision, in the case of a claim or suit against an employee of a political subdivision;

determines that paying the judgment, compromise, or settlement is in the best interest of the governmental entity.

(d) **Subject to the provisions of sections 4 and 16 of this chapter, a school corporation shall pay any judgment, compromise, or settlement of a claim or suit against an employee when the act or omission causing the loss is within the scope of the employee's employment, regardless of whether the employee may be held personally liable for the loss.**

(e) The governmental entity shall provide counsel for and pay all costs and fees incurred by or on behalf of an employee in defense of a claim or suit for a loss occurring because of acts or omissions within the scope of the employee's employment, regardless of whether the employee can or cannot be held personally liable for the loss.

~~(e)~~ **(f)** This chapter shall not be construed as:

(1) a waiver of the eleventh amendment to the Constitution of the United States;

(2) consent by the state of Indiana or its employees to be sued in any federal court; or

(3) consent to be sued in any state court beyond the boundaries of Indiana.".

Page 21, line 11, after "act," insert "**and IC 20-6.1-6-18, as added by this act,**".

Page 21, line 11, delete "conflicts" and insert "**conflict**".

Page 21, line 12, after "IC 20-6.1-6-1" insert "**, as amended by this act,**".

Page 21, line 13, delete "applies" and insert "**and IC 20-6.1-6-18, as added by this act, apply**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1891 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1985, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 2086, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning human services.

Page 2, delete lines 20 through 32.

Page 2, line 33, delete "(j)" and insert "**(h)**".

(Reference is to HB 2026 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 2116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2001] **(a) As used in this SECTION, "committee" refers to the interim study committee on insurer credit scoring established by this SECTION.**

(b) There is established the interim study committee on insurer credit scoring. The committee shall study the use of credit reports as an underwriting tool for the issuance of property and casualty insurance policies, including consideration of the following issues:

(1) Insurer use of credit reports as a sole underwriting tool.

(2) Disclosure of the credit scoring methodology used by an insurer in underwriting, including designation of the methodology as a trade secret and confidentiality.

(3) Specific factors or criteria used in the credit scoring process.

(4) Resolution of adverse effects to an individual due to underwriting determinations made based on the individual's credit report.

(c) The committee consists of the following voting members:

(1) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(3) One (1) member who is a representative of personal lines property and casualty insurance companies, appointed by the speaker of the house of representatives.

(4) One (1) member who is a representative of independent insurance agents, appointed by the president pro tempore of the senate.

The chairman of the committee shall be appointed by the speaker of the house of representatives from the members appointed under subdivision (1).

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) The committee shall prepare a final report, including any proposed legislation, and submit the final report to the legislative council.

(g) This SECTION expires November 1, 2001.

(Reference is to HB 2116 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

CROOKS, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1263, 1842, and 1994 had been referred to the Committee on Ways and Means.

The Speaker announced that the referral of House Bill 2031 to Ways and Means, pursuant to House Rule 127, had been withdrawn.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1540 be returned to the second reading calendar for the purpose of amendment.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 22, 2001 at 10:00 a.m.

HERRELL

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Whetstone's second reading amendment to House Bill 1699), Roll Call 182, on February 21, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Nay button when I intended to vote Yea."

WEINZAPFEL

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 182 to 56 yeas, 33 nays. The corrected roll call is printed with this Journal.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1639, Roll Call 184, on February 21, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to access the button. I intended to vote Yea."

BURTON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 184 to 94 yeas, 1 nays. The corrected roll call is printed with this Journal.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1007.

HASLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruzan be added as coauthor of House Bill 1100.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ruppel and Burton be added as coauthors of House Bill 1113.

BODIKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ruppel and Mannweiler be added as coauthors of House Bill 1156.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1197.

KROMKOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as coauthor of House Bill 1230.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1293.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Aguilera, Goodin, and Saunders be added as coauthors of House Bill 1344.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Richardson and Thompson be added as coauthors of House Bill 1510.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Friend and Mannweiler be added as coauthors of House Bill 1602.

STURTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be added as coauthor of House Bill 1743.

KRUZAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1830.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Ripley be added as coauthor of House Bill 1837.

HASLER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as coauthor of House Bill 1898.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Weinzapfel and D. Young be added as coauthors of House Bill 1901.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 2031.

KRUZAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be added as coauthor of House Bill 2115.

V. SMITH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative McClain the House adjourned at 6:00 p.m., this twenty-first day of February, 2001, until Thursday, February 22, 2001, at 10:00 a.m.

JOHN R. GREGG
Speaker of the House of Representatives

LEE ANN SMITH
Principal Clerk of the House of Representatives